

# PROTECTING A CHILD: THE USE AND ABUSE OF ATTACHMENT RESEARCH IN FAMILY COURTS

by Peter Ernest Haiman, Ph.D.

An enormous amount of exceedingly important, valid and reliable research on child development has been published in the last half century. Unfortunately very little of this information has been presented in an appropriate and useful manner to the pediatricians, family therapists, parents, judges, and attorneys who could benefit from it. As a result many children do not receive the protection they deserve.

This article serves three purposes. One is to summarize available research-based information about the relationship an infant or toddler develops with that child's primary caregiver (usually the mother). The kind of maternal attachment relationship formed in early childhood can play a determining role throughout the individual's life. Therefore, the second purpose is to highlight areas of social and academic development affected by this early attachment relationship. Recently, some misleading and deceptive articles have been published in family court journals. These authors make recommendations about custody and visitation that contradict valid and reliable research-based evidence. The third purpose of this article is to address the abuse of early childhood attachment research published in family court journals.

## **Overview**

The child's development of an emotional attachment to a primary maternal figure in the first six years of life is very important. A disturbance in this development can create problems in childhood, adolescence, and adult life. Behaviors fundamental to personal and interpersonal well-being are involved: (a) the ability to create enduring love relationships, (b) the strength to tolerate the imperfect satisfaction of personal needs, (c) the attitudes that lead to cooperation with others, and (d) the motivation to learn and work. The course of these processes is set in the early years of life by the quality and consistency of the attachment bond established by the infant or toddler with the primary maternal caregiver. The attachment relationship developed by the primary caregiver-mother is the breeding ground for the child's brain growth and development and mental health. If a child in the early years is subjected to overwhelming emotional stress, that stress will have adverse influences on brain development (DeBellis, Baum, Brimamer, Keshavan, Eccard, Boring, Jenkins & Ryan, 1999). Early emotional stress is a trauma that has a harmful and lasting impact on the developing brain. A large body of research shows that relational trauma in early life stunts the abilities to maintain interpersonal relationships, tolerate and cope with stress, and modulate emotion (Goensbauer & Siegel, 1995).

Experiences with a traumatizing caregiver are known to negatively affect a child's attachment security, stress coping strategies, and sense of self (Crittenden & Ainsworth, 1989; Erickson, Egeland, & Pianta, 1989). If an infant or toddler experiences the loss of a primary attachment relationship, that trauma has more negative impact upon the child's brain than do assaults of a non-human or purely physical nature. A dysfunctional and traumatized early relationship with the primary caregiver can lead to post traumatic stress disorder (PTSD). Such severe trauma can override any genetic, constitutional, social, or psychological resilience factor (DeBellis, 2001).

Divorce and separation are a reality that profoundly affects each family member. A variety of deep emotional wounds are created before, during, and after a divorce or separation. Many savage, costly battles begin when a marriage breaks up. Probably none is more destructive

to all concerned than the fight for custody and/or visitation rights. Father and mother often lock horns in a bitter struggle to determine the conditions under which they can spend time with their children. Attorneys and judges enter the arena to offer their partisan advice and pronounce their judgments. Decisions that favor either the father or the mother are considered; sometimes a compromise is reached between their competing interests (Haiman, 1994).

For decades, judges, attorneys, and even mediators have been making decisions that result in the ill-advised separation of very young children from their primary caregiver-mother. Usually these decisions are based solely on the needs of the adults involved. Not enough consideration is given to the short- and long-term impact this separation can have on the child. Yet such decisions made by courts have a wide range of harmful effects (Haiman, 2010). Research has repeatedly demonstrated that when young infants and toddlers are kept from developing and/or maintaining a secure attachment to their primary caregiver-mother, these children can experience this as traumatic. Some children develop a stutter; others become angry or depressed; others have learning problems. These effects can continue throughout the life cycle (Graham, Heim, Goodman, Miller, & Nemeroff, 1999). When these youngsters become adolescents, they can manifest problems with authority; become delinquent; or manifest attention deficits, shyness, and depression, among other issues. When they become adults, these individuals can present a variety of problems that interfere with their ability to maintain stable and enduring love and work relationships.

### **Defining Secure Attachment**

An infant develops a secure emotional attachment to the caregiver when that adult consistently and continuously behaves sensitively and appropriately to meet the needs of the child. From an infant's emotional point of view, sensitive and appropriate mean that the caregiver observes and understands the needs expressed by the behavior of the young child. Sensitive and appropriate also mean that a caregiver responds to the infant's needs in ways that please and satisfy the child. A caregiver who fosters a child's secure attachment meets needs soon after the child begins to show distress or cries. The caregiver's behavior is always tender and affectionate (Ainsworth, Blehar, Waters, & Wall, 1978; Grossmann, Grossmann, & Schwan, 1986; Sroufe, 1985).

A secure attachment is also created when the young child's primary caregiver holds or cuddles the infant and toddler frequently in ways that are noticeably comforting to the child. When interacting with a young child, the caregiver reflects the infant's behaviors and responds in ways the child enjoys. For example, when the baby smiles, the caregiver smiles back at the infant. The infant shows pleasure and interest in the caregiver's smile. However, if caregivers act in loud, abrupt, or exaggerated ways, their behavior can cause youngsters to feel insecure.

The caregiver with whom a child develops a secure attachment is in tune with that child. The adult's behavior creates an ongoing, interactive harmony with the youngster as the adult responds to the young child's interests and needs. This harmony develops when the caregiver learns correctly to understand, interpret, and then appropriately react to the child's behavior. This adult behavior establishes within an infant and toddler a felt knowledge that the youngster's behavior is respected, interesting, and significant to the caregiver. For example, when an infant begins to babble, makes sounds or syllables, and begins to talk, a caregiver with whom the child develops a secure attachment notices that child's new verbal abilities and responds in ways that make the infant or toddler feel his or her new skills are fun and are valued by the caregiver. Caregivers desirous of forming a secure attachment with the child also evaluate their own

childrearing behaviors. They do this by paying attention to the child's reactions to their care giving.

Infants and toddlers love to explore and play. Caregivers who wish to develop a secure young child provide toys and activities that the child likes. Because infants, toddlers, and preschoolers enjoy making choices, parents who want their child to develop a secure attachment provide opportunities for their youngster to do so throughout the day. These caregivers also allow the child the playtime the youngster wants. Without interrupting, a caregiver allows the child to focus on an activity the child finds interesting. A caregiver does not distract an infant or toddler from a play activity until the child becomes bored with it.

The childrearing behaviors described here allow an infant or toddler to feel secure. These behaviors also build a foundation of social harmony between child and caregiver (Isabella & Belsky, 1991). The caregiver enjoys being with the child, and the child enjoys being with the caregiver. The way an infant reacts to his or her primary caregiver reveals whether or not the child feels the adult has met his or her needs and done so in ways that are pleasing. Contrary to popular belief, this kind of care giving will not spoil a child. In fact, spoiled, dependent, clingy, whiney, and demanding children are created when caregivers consistently violate these child-rearing practices (Haiman, n.d.).

### **Developing a Secure Attachment**

The infant or toddler's brain is in a rapid state of development. Previously, it was thought that brain development relied primarily and most importantly on good physical health and good nutrition. Modern research, however, has taught us that the normal growth and well-being of the brain depends on the quality of interpersonal relationship an infant develops and maintains with the child's primary care giver.

We now know that the quality of the attachment bond an infant forms with its primary caregiver during the first years of life directly influences the maturation of the right brain. This is significant because the right hemisphere of the brain is responsible for processing information related to our social interactions and emotions. The right cerebral cortex is dominant for attachment functions. Moreover, most right brain development occurs within the first two to three years of life. Thus, from an emotional standpoint, the most essential task of the first three years of life is the creation of a secure emotional attachment between the infant or toddler and its primary caregiver, who is usually the mother. This attachment bond is built through the consistent interplay of a highly complex emotional communication taking place between the primary caregiver-mother and the child. Studies have demonstrated that the manifestations of right brain development that occur within the first two to three years can last a lifetime (Schoore, 2000, 2002; Siegel, 2001).

Children who grow up feeling secure in their primary relationship will undergo normal emotional development. They will be equipped to handle constructively most traumas that may occur, either during childhood or later in life. According to Schoore (2002), "security of the attachment bond is the primary defense against trauma-induced psychopathology." On the other hand, children who are subjected to disruptive separation at an early age lack this secure foundation. This lack interferes with the development of the right side of the brain. You might wonder if they will simply outgrow any damage that might have occurred. Unfortunately, this is usually not the case. Research has shown that children who do not develop secure attachments with a primary caregiver during the first years of life later are unable to calm themselves down. They are more likely than are secure children to overreact to stimuli. Insecure children have less impulse control, less ability to tolerate stress, and less ability to tolerate frustration than do

individuals who have experienced a more secure childhood (Toth & Cicchetti, 1998). They also are more at risk for anxiety, depression, aggression, violence, suicide, and substance abuse. One of the most socially significant effects of insecure attachment is the fact that these individuals lack the ability to empathize. Well-known psychiatrist Alice Miller (1990) has written about how this inability can be passed through child rearing, from generation to generation, within families.

### **Weaning, the Pain of Childhood Separation, and its Biological Effects**

Emotional trauma takes place within an infant or toddler when that child is taken away from his or her primary attachment-mother. Psychiatric trauma is defined as an experience that is emotionally painful, distressful, or shocking and that may result in lasting physical and mental effects. Every emotionally traumatizing event has three characteristics: (a) it is unexpected, (b) the individual was not prepared for it, and (c) the individual could not prevent it.

In his last work, Freud wrote that psychological trauma in early life affects all humans because “the ego... is feeble, immature, and incapable of resistance” (cited in Schore, 2001, p. 208). Over the past half century, a growing body of scientific research has shown the extent to which the brain is a social edifice created by the interpersonal relationships that are most significant to an infant or toddler in the early years of life. Schore writes, “We are now beginning to understand, at the psychobiological level, specifically how beneficial early experiences enhance and detrimental early histories inhibit the development of the brain’s active and passive stress coping mechanisms” (p. 209).

Specifically, recent studies have contributed to our knowledge of the physiological impact of psychological trauma (DeBellis et al., 1999; Foote, 1999; Southall, Plunkett, Banks, Falkov, & Samuels, 1997). These clinical research studies have also looked at the long-term consequences of traumatic experiences on the nervous system. The brain continues to develop throughout childhood, adolescence, and adulthood. During the first two to three years of life, a relationship exists between the quality of the infant’s attachment to the child’s primary caregiver and that youngster’s physical brain growth. Childhood trauma, like separation from the primary maternal caregiver, disturbs the normal development of the brain. It especially interferes with the part of the frontal cortex that controls and regulates emotion throughout the life cycle (Schore, 1994, 1996, 1997, 2002). A secure attachment with the primary maternal caregiver is necessary for this development. Childhood trauma also effects memory, learning, social development, and the ability to empathize.

Weaning has become controversial in the United States. Over the last century, the time considered proper for weaning has shortened to as little as three months. Public opinion has consistently overlooked the child’s needs. Child-led weaning is commonly practiced throughout the world. Children should wean themselves. They do so, on average, at 4.2 years of age. In her book *Breastfeeding: A Guide for the Medical Profession*, Lawrence (1989) notes that comfort or nonnutritive sucking is important to young children well beyond the toddler years. In her *Breastfeeding Rights Packet*, Cerutti (1986) discusses the importance of breastfeeding to a child’s emotional development:

I want to address the issue of late weaning in the USA. This is one of the few countries in the world where breastfeeding is not considered fashionable after six to twelve months of age. This is an erroneous and completely unnatural belief that originated in unfounded psychological principles of 1920. The child who nurses for two or three years is often more secure and less anxious. The “problem” of the late weaner does not rest in the mother and baby’s relationship but in our own distorted perception of the relationship of

mother and child. Anything we do to interfere with that relationship in the first four years of life will be detrimental for his psychological upbringing.

Because infants nurse for felt security, comfort, and a feeling of closeness with their caregiver-mother, as well as for nourishment, weaning can be experienced as traumatic by the child if it is accompanied by less appropriate maternal attentiveness.

### **When Courts Become Involved**

The issue of weaning has entered the courts. If the child is to spend extended time alone with the father, weaning is considered necessary. Lawrence (1989) reviews typical court cases:

Three separate cases in the United States have come to the author's attention where the father has sought custody on the basis of prolonged breastfeeding where the child nursed for comfort to about the age four. In two cases, the judge found in favor of the mother. In one case in Rochester, New York, the judge found in favor of the father when an expert witness, a local psychologist, declared that 'you have to be crazy to nurse that long.' It would seem appropriate that judges review the entire case and qualifications of the respective parents and refrain from basing their decision on personal biases and emotional testimony.

In cases of separation and divorce, parents must look beyond their own self-interests and consider the well-being of their child. An excellent example of this is for young children to be able to nurse when they so desire. To be held and to nurse are behaviors that build a secure attachment bond in the early years of life. Nutritive and non-nutritive nursing are both significant to the one-, two-, three-, and four-year-old child. Courts should review the developmental history of the child to determine his or her primary attachment figure. The purpose of this careful consideration is to respect and protect the child's secure attachment with that parent. This will ensure the child maintains and builds a positive and loving attachment with the mother.

### **Effects of Separation**

To ensure safety and security, close physical proximity to the attachment figure is the set goal of the attachment system for very young children. Infants and toddlers use physical contact with the mother as a secure base from which to explore and learn about their world. Legal decisions can have a significant impact on the felt security and psychological well-being of young children if they cause a separation of the child from the primary maternal attachment figure. Bowlby (1969, 1973); Ainsworth and Wittig (1969); and others have conducted extensive research about the effects of separation on young children. The results of these studies confirm that some children up to six years of age may be harmed emotionally when they are separated from their primary attachment mother. These children may become anxious and distressed in response to even brief separations. Bowlby (1973) writes,

There have been, and still are, clinicians and others interested in children who have found it difficult to believe that accessibility or inaccessibility of an attachment figure can of itself be a crucial variable in determining whether a child (or an adult for that matter) is happy or distressed... These separations occurring when the child is young play a weighty role in the origins of many adult emotional problems.

### **Effects of Type of Infant Attachment on Subsequent Child Behavior**

Attachment theory underscores the importance of early intimate relationships and holds that through primary relationships children develop expectations about their capability to acquire and maintain secure relationships, as well as beliefs regarding others' trustworthiness in relationships.

Preschool kindergarten and first graders who have experienced insecure infant maternal attachments also demonstrate insecure teacher attachments. Teachers are likely to have difficulty building a relationship with students who have had insecure maternal attachments because these children harbor negative views of adults that impede the relationship process. It is difficult therefore for teachers to learn about these children's needs and to respond to them in a manner that helps their learning and adjustment. As a result, insecure children are more likely to struggle academically than are secure children. Secure children are able successfully to establish secure attachments with their teacher, view their teacher favorably, have the confidence necessary to succeed, and use the teacher as a secure base from which to explore and engage in academic tasks and challenges (O'Conner & McCartney, 2006).

Children who have experienced a secure maternal attachment have been found later to manifest high self-esteem and were confident in their ability academically to excel. These children prefer to be academically challenged and are more motivated to learn for the sake of mastering the course content than are their insecure counterparts. These insecure peers do not achieve at as high a level (Wong, Wiest, & Cusick, 2002). Attachment insecurity has also been associated with student's inability to focus or pay attention. This is often called Attention Deficit Disorder, or Attention Deficit-Hyper Activity Disorder. This manifests early in life and throughout schooling (Jacobsen & Hofmann, 1997).

Elementary school children who view their relationship with their mothers as secure are significantly more accepted by their peers and have more friendships and are less lonely than children who rate their relationship with their mother as less secure (Kerns, Klepac, & Cole, 1996). Numerous studies have concluded a positive relationship exists between the development of a secure maternal child attachment in the early years of life and later social competence in children (Coleman, 2003; Lieberman, Doyle, & Markiewicz, 1999; Wartner, Grossmann, Fremmer-Bombik, & Suess, 1994).

Children who have a secure attachment to their primary maternal caregiver at one year are better able to explore on their own than are insecurely attached infants (Waters, Whippman, & Sroufe, 1979). Securely attached toddlers are more independent than are their insecure peers, and as a result, more curious and interested in exploring the world around them. Secure infants and toddlers develop a sense of agency: the sense that "I am a person" and "I can do" (Kagan, 1981). Infants who have experienced a secure primary attachment relationship learn about the world as they find out about it through their exploration. Insecurely attached infants and toddlers are far less curious. Insecure infants and toddlers are far more inhibited and withdrawn (Suess, Grossman, & Sroufe, 1992). As a result, children who have had a secure maternal attachment during their infancy are better able than are children who were insecurely attached as infants to master the environment using their senses. They are also better able to perform related motor actions than insecurely attached infants and toddlers (Matas, Arend, & Sroufe, 1978).

The acquisition of speech is greatly facilitated when the primary maternal attachment figure holds, smiles at, and talks to her infant (Bus & van Ijzendoorn, 1988). These interpersonal acts elicit cooing, gurgling, and other pre-linguistic utterances. These child-rearing acts are also key elements in the bonding repertoire of the primary caregiver-mother, who develops a securely attached child. As the youngster matures, the primary caregiver who developed this secure child-rearing environment creates conversations on topics in which the child has demonstrated an interest (Tomasello & Farrar, 1986).

Preschool children who had experienced a more secure attachment with their primary caregiver parent demonstrated better social skills and school adjustment than did peers who had

experienced insecure attachments (Sroufe, Carlson, & Schulman, 1993). Children who had a history of secure attachment with a primary caregiver-mother demonstrated better peer relations and relations with their teachers in the early school years than did children with an insecure attachment history (Henry, 1993). Studies of the relationship adolescents create with their peers and teachers show results similar to those of young children with secure and insecure primary attachment histories (Heide & Solomon, 2006; Levy & Orlans, 2000).

### **Overnight Visitation**

Overnight visitation to adults other than their primary attachment figure is of great importance to young children. Such undertakings can harm the security of the attachment itself. Going to sleep at night is a transition charged with particular vulnerability and sensitivity for all young children. Wolf and Lozoff (1989) conducted research about how children make the transition from a waking to a sleeping state. Specifically, they studied the relationship between the primary caregiver's presence when a young child goes to sleep at night and that child's use of an attachment object (special toy, blanket) and thumb sucking. The authors found that children were more likely to use an attachment object when no caregiver was present during the passage to sleep. In addition, studies done in other cultures about the effects on children of nighttime child-rearing practices have shown that attachment object use was less common when children slept in the same bed or in the same room as their mothers and were breastfed longer (Gaddini & Gaddini, 1970; Hong & Townes, 1976; Litt, 1981).

A young child's love for his or her father and the father's love for his child are not at issue here. What is critical is to understand that a child's bond with the maternal attachment figure is a significantly different kind of relationship from even a close love relationship with another, including the father.

The overriding power of the child's emotional attachment to the primary attachment mother is irrational to the uninformed adult. If young children are required to spend time away from this person during the day or at night, they frequently develop separation anxiety and sleep disturbances. Such experiences can be traumatic for infants and young children. These children have difficulty falling asleep or wake up frequently throughout the night. For the young child, sleep is like a separation, and sleep disturbances are often linked with separation anxiety. As Cerutti (1986) and many others have noted, children of three, four, and five years of age can become "completely terrified if [their] mother is not around." The normal psychological regression experienced by all young children at night makes it extremely ill advised to permit overnight separations from the maternal attachment figure. Young children should spend nighttime with their primary attachment figure—their mothers.

Mediators, judges, and parents unfortunately often overlook the important needs of the young child and require overnight visitations before the child is ready. In fact, young children may soon come to dislike and distrust the parent who forces them to spend the night away from their primary attachment figure. When being returned to their primary caregiver after a court-mandated visitation, it is not uncommon for young children to hit, scratch, bite, cry, and in other ways angrily withdraw from the adult with whom the child had developed a secure attachment. Children may learn to distrust and dislike the attachment parent for not protecting them from an unwanted and painful experience. In addition, children may dislike and distrust themselves. They may see themselves as the cause of the whole predicament, including the separation and/or divorce.

Overnight visitations away from the primary caregiver can undermine and harm the security of the attachment bond itself. When a young child is required against his or her will to

sleep overnight away from his or her primary attachment person, long-lasting emotional and interpersonal problems can result.

The behavior of a young child shows whether that child is ready and willing to spend the night away from the primary attachment figure. It is not in the interest of building the best relationship between the child and the father or mother for judges, mediators, or parents to require a child to do so before the child expresses an interest in spending the night away. Furthermore, adults should make sure that after overnight visitations begin, the child's subsequent behavior shows no adverse effects.

When children experience the separation or divorce of their parents, it is common for them to develop problems and lose behavioral gains. Children who have demonstrated control over their bowel and bladder often lose that control. Children who have weaned may need to nurse once more. Verbal children may become quiet or begin to stutter. Well-behaved children may show anger and aggression toward others and throw temper tantrums. Children who could keep themselves out of harm's way may get physically injured. Emotionally resilient children may become brittle. Children who used to think clearly and understand easily may become confused and find it hard to communicate rationally. Happy children may become morose and depressed. Children who formerly expressed curiosity and interest in their world may become withdrawn and passive. Young children who were willful and defiant may become docile and obedient. This latter behavior change can mistakenly be seen as good. In truth, it reflects great emotional pain and threat. In the false belief that they caused the separation or divorce, young children may repress the developmentally normal and appropriate drives to become independent. They may abandon and punish their normal selves in the desperate hope that, by doing so, the parents they need and love will come together again. It is common for young children to manifest one or a combination of these problems in various degrees of severity in response to the separation and divorce of their parents.

It is important not to blame or punish children for these behaviors. Young children react in these ways when the stability and security of their life is violated. To prevent and/or minimize these responses, parents and other family members should create as stable and predictable an interpersonal environment for the child as possible. That environment should focus on strengthening the attachment between the child and the primary caregiver-mother. A relationship with the other parent also should be maintained but without jeopardizing the child's felt security and loving relationship with the primary caregiver-mother.

### **Misrepresentation of Child Development Research**

In "Sound Research or Wishful Thinking in Child Custody Cases? Lessons from Relocation Law" Professor of Law and Professor Emerita, University of California at Davis, Carol Bruch (2006) points out that authors such as Joan Kelly, Michael Lamb, Richard Warshack, Leslie Ellen Shear, William Austin, and Sanford Braver have published articles that oppose the findings reported on attachment and its effects. Bruch states,

Many recent articles on the topic of child custody law in legal, interdisciplinary, and even scientific journals contain serious misstatements of the research literature. Unfortunately, the judges, lawyers and legislators who are their intended audience often lack statistical or scientific training and are unfamiliar with the literature. They are, accordingly, ill equipped to judge the quality of empirical studies or of review articles, which summarize and evaluate the work of others in the field. These difficulties may be exploited by those who 'spin' the literature.

First the authors of concern often publish exclusively or primarily in legal journals, not scientific ones. This avoids the rigorous peer review leading scientific journals provide to ensure scientific merit. Although the legal journals in which they publish test the paper's relevance to legal debates, they usually are unable to assess scientific merit. The risk of inaccuracies is therefore real, and specialists in allied fields, who do not normally read law reviews, may never catch them.

Next, the authors make broad generalizations without providing support for them or addressing how their conclusions fit into the larger body of existing knowledge. Often they rely heavily on their own earlier characterizations of the field and cite few recognized authorities, making it difficult for non-expert readers to distinguish fact from opinion.

Even such basic information as research design and the statistical significance of findings may be omitted. Imprecise words (such as 'more,' 'less,' 'often,' and 'seldom') appear instead, making it difficult to evaluate their assertions. Sometimes strikingly different results with direct implications for the topic are glossed over or lumped together in a way that conceals findings of direct relevance to the discussion. Finally, policy recommendations may be made that are totally unsupported by, or even contrary to, the data.

Kelly and Lamb (2003) have published a number of articles in family court journals for attorneys, judges and mediators. Their articles provide their opinion about how courts should make decisions regarding the lives of young children affected by custody negotiations, adoption, divorce conflicts, and separation issues. Bruch points out how empirically unsubstantiated are the recommendations of Kelly and Lamb. She includes criticisms of Kelly and Lamb made by Judith Solomon and Zeynep Biringen.

The Solomon-Biringen critique exposes, for example, the flaws in Kelly and Lamb's assertion that infants and toddlers under two need a broad range of activities with each parent daily or every other day. Kelly and Lamb had explained their position in these words:

*To be responsive to the infants psychological needs, the parenting schedules adopted for children younger than 2 or 3 must involve more transitions, rather than fewer, to ensure the continuity of both [parental] relationships and the child's security and comfort during a time of great change [i.e., the parents' separation or divorce] ... To minimize the deleterious impact of extended separations from either parent, there should be more frequent transitions than would perhaps be desirable with older children.*

This assertion, if true, would probably determine the outcome of the largest subgroup of litigated custody cases. It has been reported that fully half of all custody disputes involve children under the age of six, and three-quarters of this one-half involve children under the age of three.

The result Kelly and Lamb urge for babies and toddlers of separated and divorced parents, and their recommendation that courts order mothers to remain in the father's community so that frequent transitions may take place, amounts to imposing joint physical custody in high-conflict situations—something the empirical research uniformly finds harmful to children....

Solomon and Biringen identify one of the most dangerous shortcomings of Kelly and Lamb's *Family and Conciliation Courts Review* article: "[I]t tends to seamlessly weave together empirically tested findings on attachment and divorce with the authors'

opinions, making it difficult for the nondevelopmentalist [i.e., the lawyers, judges and mediators in the targeted audience] to evaluate the findings.” Ultimately, Solomon and Biringen conclude, “Kelly and Lamb make [the just-quoted] recommendations for custody and access with a provocative claim that has *no* empirical foundation.”

### **Normal Dependency Period**

Of all primates, human beings have the longest period of normal developmental vulnerability and dependency. The child-rearing practices of both intact families and families suffering from separation and divorce often overlook this fact. The profoundly important needs of the young child are too frequently ignored or inadequately met. Decisions that have a significant impact on the life of the young child are regularly made by parents and other adults who are not properly informed to make those decisions. Problems in the early attachment relationship precede overt and more long-term behavioral, cognitive, social, emotional, and physical problems. Therefore, interventions that protect, support, and maintain a young child’s secure attachment with the youngster’s primary caregiver-mother seem warranted.

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