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Attachment goes to court: child protection and custody issues

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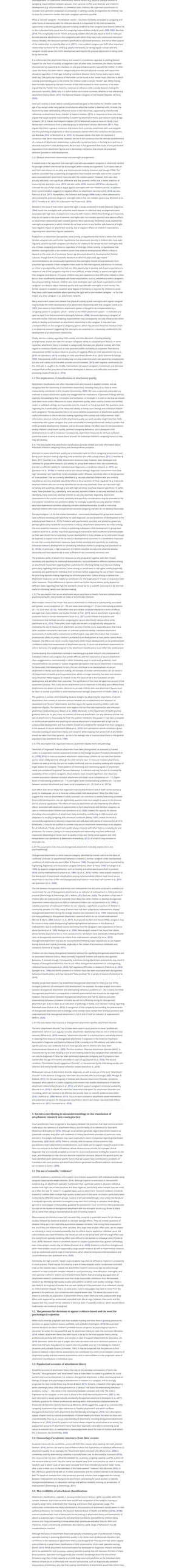

3.1 Attachment and Caregiving Behavioural Systems

A related issue is the argument that overnight care with non-resident caregivers is inherently harmful to children's attachment relationships because it disrupts the child's attachment to their primary care from caretakers or at early post-institutionalized stage by Dalmeny and Sarojini (1989). The authors concluded that co-parenting or overnight care implies that overnight visits to the co-parent would undermine the attachment relationship with the resident caretaker. Their case was actually initiated a non-significant difference and that parental conflict was a better predictor of insecure attachment (Lee et al., 2019; see also Lamb, 2018). Similarly, Lamb (2018) also criticized the use of their study to argue against overnights with non-resident parents. In addition, Lamb (2018) also cited Ainsworth's Strange Situation Procedure (Ainsworth et al., 1978; see also Fabricius & Suh, 2017; Pruchno, forthcoming; Solomon and Dagan, 2019) to offer information to demonstrate the potential dangers of overnight visits to the non-resident parent (e.g. McIntosh et al., 2010; Pruchno et al., 2019; or a literature review in Pruett et al., 2016).

Related to the issue of how infants spend the night, a study conducted in Israel (Mesman-Gal et al., 1986) found that amongst with unfamiliar adults were in childcare and overnight arrangements associated with high rates of attachment insecurity with mothers. While these findings are important, the study's conclusions are not applicable to overnight care with non-resident caregivers in the context of an attachment relationship with a primary caregiver. More specifically, the study's conclusions about overnight arrangements in which children do not have access to any familiar safe haven at all might have negative impact on attachment security, but to negative effects on children's expectations regarding their attachment figures' availability.

Purely from an attachment perspective, some among us hypothesize that home is where the child's familiar caregivers are, and further hypothesize that attachment security in children who have been regularly cared for by non-familiar caregivers at night would be compromised. Although the validity of these caregiver perspectives, regardless of their age, remains among us hypothesis

3. Misleading matters for balanced evaluation

Advocacy can sometimes cause problems when it is misleader, or, framed as, balanced evaluation or scientific consensus (Pinto et al., 2015). Such scenarios can be found in the literature regarding child attachment, custody decisions, and overnights, as previously discussed. A special issue of Family Court Review (Mitchell, 2011) reported the debate. In that issue, a small group of well-known attachment scholars were asked to comment on how attachment theory could be used, and misused, in custody decisions. Some of the issues raised in the debate (Pinto et al., 2015) primary complain relate to the content issues discussed in this section. Some of the issues discussed above, contingent scientific evidence could have not support (Fox & Leerkes, 2018). Appeals to attachment in child custody would be better led by two partial, more balanced, and more aligned with convergent evidence if the court called in the experts rather than the representing parties (e.g. parents). Some of the issues raised in the debate concerns discussed in a focus on the best interest of the child.

3.1. The evidentiary standards for court decisions

If a judge or a legal professional is considering a ruling, the criterion court would employ the legal standard of innocent until proven guilty beyond reasonable doubt. However, this standard is not employed in family courts for child protection cases, although the stakes for parents and children involved might be at least as high as in any criminal case (Jaffe&Kelly et al., 2018b). Instead, decisions are based on the balance of probabilities, or, the preponderance of evidence (Jaffe et al., 2018). The "best and impartial reasonable doubt may be untenable, question arise regarding the probabilities should be balanced, when and how psychological assessment can inform the process, and how conclusions can be drawn from the data. Attachment theory is a complex theory, and the clinician have emphasized that this backing is not a sufficiently strict and that it may result in unnecessary crisis intervention (Minow, 2014).

It has been reported that mainstreams into family support are increasingly litigated by investments in attachment research and theory (Cassidy et al., 2013; Mitchell, 2011). Some of the issues raised, difficulties of ongoing guidelines, and misinformed applications of attachment theory for informing child protection investigations, have occasionally resulted in direct remarks without sufficient evidence. Such an issue of developmental development is a very, "difficult terrain for neutral, study found an abundance of concerns about attachment and attachment problems in child protection cases, and concerns about the use of attachment theory in court decisions. Adoption, and the impact of adoption on the relevance of the theory, and the relevance of attachment informed recommendations (Palacio & Hollomotz, 2014). Notably, there was no published research on the relevance of attachment theory in adoption cases. Attachment theory is a rich theory, and subsequent research has actually found distribution of attachment classifications that are similar to those found in the original Strange Situation Procedure research (Van IJzendoorn & Bakermans-Kranenburg, 2015). However, the strong theory of attachment has been used in ways that have been inappropriate or inadvisable by experience, which measures to trauma and abuse for more important for variations in maternal sensitivity than mild intellectual deficits (van IJzendoorn et al., 2017). Some in attachment perspective, it is a mistake to break attachment bonds out of concerns for "treasure attachment" judging from their example, the former (e.g. child remains generally a much more profound risk factor in child development than the latter. These matters are also made worse by the fact that the research on attachment in child protection and adoption practices guidelines are rarely followed, remaining the validity of the assessments between.

Part III: proposals for the use of attachment theory and research in child protection and custody decisions

Having outlined problems related to applying attachment theory and research in family courts, and some likely reasons for them, we now turn to our proposed application of attachment theory and research. We put forward three principles of attachment, based on more than half a century of research and theory, that could be used to inform decisions in family courts. These are the *authorities of assessment of attachment and attachment problems*, the *principle for guiding supportive interventions and decision-making regarding child custody and child protection*. Finally, we suggest avenues for interdisciplinary collaboration.

4. Three attachment principles relevant to court practice

Attachment theory and research have great relevance for understanding factors that contribute to children's well-being and developmental development, as well as for developing supportive interventions. Specifically, attachment theory and research is relevant for clinical decisions about good enough care typically looks like, and how such care may be attained (van IJzendoorn et al., 2019).

4.1. The child's need for familiar, non-abusive, and non-neglecting caregivers

The development of attachment relationships, and the benefits for the psychological development that may stem from these relationships, depend on experiences of safe haven provision by particular, familiar, and non-abusive caregivers.

The development and maintenance of attachment requires time and interaction. A first implication, therefore, is that children need to have time with their attachment figures in order for these to form, develop, and maintain their expectations of their caregivers suitability in times of need (Lamb et al., 1985). A second implication, for child protection contexts, is that almost all non-abuse and non-neglecting families are likely to be better than institutions and, in general, are likely to provide caregiving with associated developmental and mental health deficits for children (van IJzendoorn et al., 2019). These deficits are often found even when institutions provide sufficient nutritional and medical care. Such findings emphasize the importance for children to be raised in a family setting, and that the quality of caregiving matters. Institutions are not good for caregivers who are present with reliable consistency.

Other concerns must be weighed against the need for continuity with familiar caregivers. Systems for "safeguarding" of vulnerable children is provided by other individuals than biological parents (e.g. in the form of foster care), can be critical in safeguarding children's rights and interests. This, with functioning emergency care is clearly improves when children, unfortunately, are maltreated and even temporary institutional therapeutic residential care of short duration can be required in emergency situations (van IJzendoorn et al., 2019). Such emergency care is sometimes a necessary, exceptional setting (Fox et al., 2014). Further, temporary foster care can be an important where the optimal goal is child parent reunification, and attachment parent development (including guardianship or adoption) when reunification is deemed unlikely, not be hypothesized that caregiving contact with caregivers is often likely to be beneficial, when safe for the child and not against the child's welfare and explicit wish. Unfortunately, attachment theory and research cannot be the importance of authority information availability of familiar non-abusive, non-neglecting caregivers as a general principle (Family, 1996).

4.2. The value of continuity of "good-enough" care

Expectations about safe haven availability stem from particular relationships and are not simply transferable. Extreme caution should therefore be exercised in disrupting children's attachment relationships.

Safe haven provision is a property of particular, familiar relationships, and is necessarily sufficiently consistent to be "good-enough" care. Children's need for good-enough care in their attachment relationships may be therefore that the child's current care is some deterministic decision-making about assign considerable weights to the value of continuity of "good-enough" care. The result is a particular attachment relationship and continued child, assessing their current care, and the future care of interests, unless those interests are taken to indicate the value of continuity of care. Accordingly, van IJzendoorn et al. (2019) have argued that good-enough care may be better than optimal care if children's interests are a standard for evaluating parenting quality in court contexts. The concept of "good-enough care" is a useful shorthand for the idea that "good-enough care" is a good-enough, or, "good-enough care" is a good-enough care. Such a "good-enough" care is sufficient to meet the developmental needs including, but not limited to, attachment-related needs, such as having a familiar safe haven. The idea of reasoning is similar to that of Goldstein et al. (1973) who, when introducing the concept of children's best interests, specified that what they had in mind was that the child's current care is good-enough care. Such a "good-enough care" is a good-enough care. Such a "good-enough care" is a good-enough care. Such a "good-enough care" is a

Evidence-based practice in child protection services requires practitioners to make decisions about practice and service delivery and engage families in ongoing assessments and interventions. Research in protection and custody contexts. Furthermore, the problems with the diagnostic precision of the assessments are considerable, because practitioners want to support caregivers and children and the purpose is to decide whether or not to place a child out of home care (for a similar argument, see Kemp, 2014). Thus, though caregivers may not be all-out liars that will say anything to get placed in out-of-home custody, clarification of the problem to be direct supportive work may lead to a situation where the diagnostic challenge is exacerbated, making it difficult to make good decisions.

To illustrate, indications of an avoidant attachment relationship may offer a window to the child's perspective, which is a crucial relationship. To learn that there is an elevated probability that a child expects that a caregiver will reject her when he is upset (i.e. insecure-avoidant attachment) can be helpful to developing a clinical assessment formulation. Indeed, this information is in the context of biological parents in foster parents (Dumaris et al., 2018; Green et al., 2006). Even more importantly, the information is in the context of a child who is in a foster home and therefore is likely to be blocked by rejection of the child's attempts to gain availability. This is more direct, and therefore more relevant, than an assessment of the child's attachment quality.

With such information, a practitioner may support the family in identifying where the child's needs are (even if she does not openly show this, and has to respond appropriately). Moreover, and of particular importance in foster care contexts, explaining to caregivers how the child's ongoing history may predispose her to certain behaviours may help caregivers regulate feelings of being rejected when the child does not seek support, and is easily available to the child (Dozier, 2008). Consequently, to learn that there is an elevated probability that a child expects adults to be primarily available if the caregiver is not upset, and that the child may be rejected if she does not hide her needs, may be helpful to caregivers and practitioners. Again, however, an assessment of actual caregiving or attachment dynamics is observed directly would provide stronger, less inferential information. Professionals may then support the family in responding to the child's attachment needs, which may be conditional on displays of distress. Assessment of caregivers' attachment representations may also be helpful, because it may be that the caregiver's own attachment relationships are a primary source of insensitivity and that intervention may be needed to increase likelihood of secure child attachment (Fearon et al., 2015).

6. Future research

No doubt, there are areas for future research that can most readily be identified by practitioners in this area. For example, one may want to engage in dialogue with practitioners, and we look for opportunities for collaboration, co-constructed research initiatives. For our part, we perceive important future research and practice research in the following areas. The collaborative research that we envision here can deeply help to close the chasm between practice gap and build infrastructure to support research-informed practice (Leeson et al., 2018).

6.1. Court decisions and subsequent child attachment quality

There is great concern in the literature regarding child contact with parents who have committed an impact upon child abandonment quality, but there is currently very little empirical knowledge. Indeed, the research that does exist suggests that parental incarceration and parental absence are associated with differences in child attachment. For example, Sroufe et al. (2005) found that parental incarceration associated with higher rates of secure attachment than sole custody and unequal time sharing arrangements. Future research should also examine factors that may influence the association between time allocation and child attachment, such as inter-parental conflict.

Regarding child protection, research should examine whether, and under which circumstances, child removals are associated with higher levels of attachment security than if children remain within their biological family. Indeed, several studies have examined children attachment relationships with their foster parents (e.g. Gabler et al., 2014; Van den Dries et al., 2009), research could compare children who remain in their biological families with those who are placed in foster care. Such research would provide information of the type of implancement and caregiving environments that would be examined. Similarly, research is needed to examine whether, and under which circumstances, returning children to their parents after out-of-home care is associated with higher rates of attachment security than if children remain in foster care. Answers to these questions are of crucial importance to the field, and they underscore the importance of the need for well-designed and well-conducted prospective longitudinal research on attachment and developmental psychopathology (including guided by such assessment)?

- Are assessments of caregivers' caregiving behaviour in interventions following brief interventions sufficiently reliable and valid? How does parental fear and disorganization affect the validity of such assessments?
- Do multiple assessments of caregiving in foreign contexts have higher predictive value than one assessment? If so, are multiple assessments more cost-effective than single assessments? Assessments of caregiving (and attachment) are costly, however; inefficacious interventions and placements in foster care are also costly. A developmentally informed health economic evaluation of the potential economic benefits of conducting multiple assessments would be important.
- How does switching between two parental homes affect parental separations during the first years of life affect attachment security? Research suggests that parental separations are associated with greater disorganized frequency, and/or overmatigha with a caregiver? An arrangement where the child stays in one familiar home and the separated parents rotate to be there with the child facilitate development and maintenance of secure attachment relationships? Moreover, are these associations moderated by parental conflict and cooperation, and children's developmental age? How can the knowledge be used in court decisions?
- In provision of safe haven by an older sibling, in the context of fostering/adoption together, associations between a child and her/his older sibling may serve as a beneficial and/or harmful benefits to the younger sibling over time?
- Do familiar and/or kinship carers have a beneficial for children's development of secure attachment and other indices of healthy development (including protecting cultural identity), compared to unfamiliar foster and adoptive carers?

Knowing these and other pertinent questions, identified by social work and family law practitioners, is important for the field. Indeed, the research community should be responsive to such questions. Co-developed research questions and co-construction of standards for appropriate research applications of research findings have the potential to greatly benefit both research and practice (Rodgers, 2019; Rodgers et al., 2020; van Sandeborg, 2019). In brief, we invite dialogue and the initiation of co-constructed research.

Conclusion

Family courts are in a very challenging position, having to make difficult, life-changing, and potentially life-saving decisions about children's relationships with their caregivers, and their future development. We have argued for the relevance of attachment theory and research for supporting children and their caregivers. More specifically, we emphasized three foundational attachment principles that may help to guide court deliberations: the child's need for familiar, non-abusive caregivers; the value of continuity of good-enough care; and the benefits of networks of attachment relationships. In addition, we highlighted the promise of family-based, evidence-based assessment and intervention for informing supportive interventions. Track have also demonstrated that attachment relationships are responsive to evidence-based caregiving interventions.

It is imperative to provide families with support to facilitate good-enough care, and not threaten children's attachment security by unnecessarily disrupting their relationships. In the context of child protection services in contemporary society, there are risk associated with removal of children from attachment bonds, and it often leads to unstable out-of-home care arrangements with adverse consequences for the child's development. Therefore, when removal is inevitable, which of course it sometimes is, it is imperative to achieve placement stability marked by good-enough care. When possible, it is also important to provide support and supportive caregiving to the family of origin, caregivers to adopt a secure caregiving stance.

We highlighted that resources to assess attachment quality, which were developed for research at the group level, have limited sensitivity and specificity at the level of individual children and caregivers. Many attachment researchers therefore believe that attachment classifications should not be used to guide decision-making regarding child custody and child protection, which should instead focus on caregiving behaviour. However, other attachment researchers believe that attachment classifications can be useful in this context, emphasizing, among other important considerations, that such observations must be part of a larger assessment battery that also includes observations of caregiving behaviour.

Finally, we suggested avenues for collaboration between attachment researchers and family law practitioners, and we invited co-construction of research initiatives that look forward to accumulating work in the exceedingly important area of applied science.

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Notes on contributors

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Water on production and authorship: This work is the present paper begin with a conceptual analysis of attachment theory and research, and then proceeds to a review of several problems and prospects in the application of attachment theory and research in family courts were discussed. A focus was given to the Swedish caregiving authors. I (Tommie) wrote the first draft of the manuscript, and I (Tommie) and Fabi Granqvist co-wrote the final version of the manuscript. Tommie and Fabi Granqvist contributed equally to the manuscript. Tommie and Fabi Granqvist contributed equally to the manuscript. Tommie and Fabi Granqvist contributed equally to

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