

THE STATE AS PARENT: USING ATTACHMENT THEORY TO DEVELOP CHILD WELFARE POLICY IN THE BEST INTEREST OF THE CHILD

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INTRODUCTION

It is well established in American law that there is a fundamental right to parent one's own biological children.¹ The Supreme Court has held that when the state intrudes into a family, a fundamental liberty interest is affected: "It is cardinal with us that the custody, care and nurture of the child reside first in the parents."² Because there is a fundamental liberty interest in parenting, the state can intervene in the family only when it has a compelling reason, such as evidence of abuse, neglect, abandonment or parental inability to provide for the basic needs of the child. When the state does find sufficient evidence to warrant intervention, it may initiate proceedings to remove the child from parental custody. If circumstances dictate removal, the state takes custody of the child, generally placing her in foster care.

Because there is a fundamental right to parent one's own children, restoration of the family should be a priority of the state when doing so does not endanger the child. New York State has acknowledged that its "first obligation is to help the family with services to prevent its break-up or to reunite it if the child has already left home."³ If a child is removed from her parents in New York, the statute requires the social service agency to make "diligent efforts" to encourage and strengthen the parental relationship while the child is in foster care before permanently terminating parental custody.⁴ However, policy makers generally have little knowledge of how to encourage and strengthen family relationships, and so restoration of the family happens less often than it should. The shapers of foster care policy have historically been policy officials, not child developmental experts, and so few current policies consider developmental theory and research.⁵ In this paper, I examine the developmental literature and derive

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1. *Meyer v. Nebraska*, 262 U.S. 390 (1923); *Pierce v. Society of Sisters*, 268 U.S. 510 (1925).

2. *Prince v. Commonwealth of Mass.*, 321 U.S. 158, 166 (1944).

3. N.Y. Soc. Serv. Law § 384-b(1)(a)(iii).

4. *Id.* § 384-b(7).

5. Some states have adopted several recommendations from JOSEPH GOLDSTEIN, ANNA FREUD, & ALBERT J. SOLNIT, *BEYOND THE BEST INTERESTS OF THE CHILD* (1973). Although the recommendations from this book are often referred to as Psychological Parenting Theory, they do not actually constitute a theory of development. Furthermore, states have selectively chosen to follow some recommendations and not others. Their book

policy from that research. In particular, I recommend a revision of current visitation policies to allow increased parental visits and the opportunity both to "parent" during those visits and to observe the foster parent acting as a role model. Attachment Theory, a prominent approach to developmental psychology, predicts that such a change would increase the likelihood that families would be successfully reunited.

In addition to suggesting psychologically sound policies for the purpose of strengthening and restoring the family, this paper will explore some policies that states should adopt to promote optimal development while the child is in the state's care. A policy designed to help children, that of removing children from dangerous homes, can end up harming children if it is inattentive to their developmental needs. It is not enough to provide for the physical safety of the child. Once the child is in state custody, the state assumes the responsibility of meeting the child's developmental needs. The state should provide high quality parenting which reflects psychological research on what children need to thrive and how they will suffer if those needs are not met. Foster parents must be trained to provide sensitive care to foster children, who are often difficult charges. The emotions and behaviors of these children are predictable, and foster parents should be taught what to expect and how to best care for these children.

The premise of this paper is that sound child welfare policy must be grounded in a thorough understanding of child development. This paper will outline some ways child welfare policies could be revised to incorporate developmental research. I have chosen to use Attachment Theory as a starting point for policy revision because the theory and the supporting research focus on the development of affectional bonds between children and their caregivers, the developmental significance of the quality of the bonds, and the impact on the child when the bonds are disrupted.⁶ Because of the

was instrumental in the adoption of federal and state policies for "permanency planning" (attempting to find permanent placement for the child within one to two years of removal from the home). The authors posited, without evidence, that children require a single, permanent caregiver for optimal development, and the policy of termination is based on the belief that this goal is best served by expedient adoption. Peggy Cooper Davis, *Law, Science and History: Reflections Upon "In the Best Interests of the Child"*, 86 MICH. L. R. 1096 (1988); Nancy Goldhill, *Ties that Bind: The Impact of Psychological and Legal Debates on the Child Welfare System*, 22 N.Y.U. REV. L. & SOC. CHANGE 295, 297-98 (1996). In New York State, for example, the child welfare agency will terminate the rights of the biological parents, so as to free the child for permanent adoption, if at the end of the year following their child's removal, they have not made sufficient progress towards reunification. N.Y. Soc. Serv. Law § 384-b(7)(a). Not all of the author's recommendations were followed, however. For example, their suggestion that children only be removed or even monitored if they are in grave physical danger, because any state intervention is damaging to the child's belief in their parent's omnipotence and undermines the parents autonomy and authority, has not been adopted by the child welfare system. Peggy Cooper Davis, *The Good Mother: A New Look at Psychological Parent Theory*, 22 N.Y.U. REV. L. & SOC. CHANGE 347, 348 (1996).

6. Originally conceived by John Bowlby, and further developed by Mary Ainsworth, this theory has been the subject of over thirty years of empirical research, and its principles

subject matter of the research, it is a theory that can be readily applied to the child welfare system.⁷ This paper will focus on the child welfare system as it affects infants and young children, as those are the populations Attachment theorists have studied most. Nearly any child welfare policy decision can be guided by developmental theory (e.g., decisions about placement of infants born to mothers in prison, policies about placing siblings, decisions about appropriate counseling, etc.). Adopting child welfare policy grounded in developmental theory could help the state to promote the fundamental rights of parents and the psychological needs of children.

THE IMPORTANCE OF SECURE PARENT-CHILD RELATIONSHIPS: AN OVERVIEW OF ATTACHMENT THEORY

I.

WHAT CHILDREN NEED FROM PARENTS

A. *Satisfaction of the Attachment Drive: Proximity to Caregivers*

It was long believed, by both Freudians and Behavioral Psychologists, that infants formed bonds with their primary caregivers (typically mothers) simply because their caregivers fed them, reducing the primary biological drive for food. John Bowlby,⁸ on the basis of his research with infants separated from their mothers and his examination of the ethological data of researchers such as Lorenz and Harlow, concluded that the data did not fit this existing theory of mother-infant attachment.⁹ Instead, the data suggested, the desire for proximity to a human being who could provide safety and comfort, especially in times of distress, was a separate, though also innate, drive. "[A]ttachment behavior [has] its own dynamics, distinct from the behavior and dynamics of either feeding or sex, the two sources of human motivation long regarded as the most fundamental".¹⁰ Like other

have been validated by hundreds of researchers in universities around the world. Attachment Theory is "widely regarded as probably the best supported theory of socio-emotional development yet available"[citations omitted]. JOHN BOWLBY, A SECURE BASE: PARENT-CHILD ATTACHMENT AND HEALTHY HUMAN DEVELOPMENT 28 (1988) [hereinafter A SECURE BASE]. This paper cites the research directly in some instances, and in other instances cites to the theoretical works of John Bowlby, who has periodically revised his works to incorporate new research findings and theoretical advances.

7. In choosing to focus on Attachment Theory, I do not mean to suggest that policy makers must rely on a single theory of development in creating child welfare policy. Other developmental theories are better at explaining non-relational aspects of development, and they should not be overlooked in policy development. However, I would caution that policies derived from isolated principles, decontextualized from a broader theory, can be as dangerous as policies that do not consider developmental theory at all.

8. See A SECURE BASE, *supra* note 6.

9. *Id.* at 25. The former research indicated that children suffered extreme distress when separated from their habitual caregivers, even if all their physical needs were being met by a substitute caregiver. The latter data indicated that animals would select two different "objects", one to satisfy their proximity need and the other their hunger drive, if the object responsible for feeding was unable to satisfy their security or proximity needs.

10. *Id.* at 26.

primary drives, the desire for proximity serves a biological function (i.e., protection from danger) and thus has evolutionary survival value.¹¹

To serve this innate motivational drive to attain and maintain proximity to a caregiver, infants are equipped with innate attachment behaviors which induce that proximity.¹² The infant's repertoire of attachment behaviors begins with crying, and rapidly expands to include such signals as the social smile and babbling. These attachment behaviors allow the otherwise helpless human infant to elicit help from the more powerful caregiver when protection or assistance is required, and increase her chance of survival.¹³

Attachment theorists hypothesize that infants' preprogrammed behavior patterns for the maintenance of proximity are activated when the mother is too distant, especially when the infant is frightened, sick, in pain, tired, or in a strange environment.¹⁴ If the child's first attempt to attain proximity is unsuccessful, she may intensify the behavior, or attempt to elicit caregiving using a different attachment behavior. All her attention will be devoted to this task. When the proximity seeking behavior is successful and the infant is comforted, it is said that the child has achieved a sense of "felt security."¹⁵

The attainment of "felt security" has a great influence on the organization of an infant's other activities. When the infant's level of security is adequate, and a caregiver is nearby, the attachment behaviors are unnecessary, and the infant can engage in exploring, playing and learning.¹⁶ Regardless of the child's interest in exploration or play, her felt security will drop below an acceptable level after a period of time has elapsed. Attachment behaviors are then triggered again, producing proximity to the mother. Because of the infant's continual need to establish contact, the parent is said to provide a *secure base* for the infant's exploration. In the absence of felt security or a secure base, the child will not explore the environment since her energy will be focused on producing attachment behaviors (i.e., crying). The parent's availability to the child as a secure base has

11. WILLIAM DAMON, SOCIAL AND PERSONALITY DEVELOPMENT 30-31 (1983).

12. A SECURE BASE, *supra* note 6, at 26-7.

13. *Id.* at 81, 163.

14. *Id.* at 164.

15. Inge Bretherton, *Attachment Theory: Retrospect and Prospect*, in 50 GROWING POINTS OF ATTACHMENT THEORY AND RES.: MONOGRAPHS OF THE SOC'Y FOR RES. IN CHILD DEV. 3, 7 (Inge Bretherton & Everett Waters, eds., 1985) [hereinafter *Attachment Theory*]; Sandra Pipp & Robert J. Harmon, *Attachment as Regulation: A Commentary*, 58 CHILD DEV. 648 (1987).

16. DAMON, *supra* note 11, at 41. Even when experiencing "felt security", however, a very young child will not wander beyond a certain distance from the mother, and exploration is punctuated by periodic re-establishment of contact with the mother. This occurs regardless of the level of exploration motivation the infant is experiencing. Susan S. Jones, *On the Motivational Bases for Attachment Behavior*, 21 DEVELOPMENTAL PSYCHOL. 848 (1985).

important implications for later cognitive and social development, as will be described *infra*, Part III.

B. The Attachment Relationship: Preferring Proximity to Particular Caregivers

Distinct from the attachment drive and attachment behaviors, which are expressed from birth, an attachment *relationship* is the strong preference for proximity to a particular caregiver. Attachment Theory states that the propensity to form a strong emotional bond to particular caregivers is as fundamental in humans as the attachment behaviors that precede it.¹⁷ It, too, promotes safety and survival. By the time the child is able to crawl away from the caregiver and expose herself to danger, she has developed a strong preference to be near a particular caregiver and experiences intense distress in the presence of strangers. This insures that the newly mobile child will not wander far from her parent.

Attachment Theory describes the development of an attachment relationship as a series of phases.¹⁸ From birth until the infant is 2 or 3 months, the infant is "preattached" and the infant does not prefer one caregiver to another when she is distressed or requires proximity.¹⁹ By 4 months, the infant begins to form a preference for the primary caregiver(s), enjoying proximity to that person (or those persons) more than proximity to others.²⁰ However, the child will find comfort in the presence of other adults during this period, and does not yet experience any anxiety in the presence of strangers.

The attachment relationship itself develops when the child is between seven and nine months old. The attachment relationship is made possible by some cognitive changes that occur at this time: the development of "person permanence," (the realization that people continue to exist when they are not present, which comes from the formation of mental representations) and intentionality (the ability to engage in goal-directed behavior). "[The] infant is becoming capable of representation and his working model of his mother is becoming available to him for purposes of comparison during her absence and for recognition after her return."²¹ As a result of these changes, the child develops a clear goal of maintaining proximity to a discriminated caregiver, and uses that caregiver as the preferred secure base for exploration and safe haven when distressed. This is what theorists call the attachment relationship. There are clear indications that an attachment relationship exists by age nine months and the child begins to display signs of stranger anxiety.²² Also beginning around nine months, the child will

17. A SECURE BASE, *supra* note 6, at 27.

18. JOHN BOWLBY, ATTACHMENT 265-68 (1982) [hereinafter ATTACHMENT].

19. DAMON, *supra* note 11, at 33.

20. *Id.* at 33-34.

21. A SECURE BASE, *supra* note 6, at 122-23.

22. DAMON, *supra* note 11, at 35.

show separation distress, and will protest when the primary caregiver is preparing to leave him or her, or when left with a stranger. These are indicators that the child has developed a strong preference for her habitual caregivers as a basis for security.

C. A Hierarchy of Caregivers: Children Form Multiple Attachment Relationships

Attachment researchers have focused on mothers, because they are generally the primary caregivers and the preferred attachment figures for children. However, attachment theorists acknowledge that children will readily form multiple attachment relationships during the first year, and develop a hierarchy of preferred attachment figures.²³ Infants become attached to fathers, siblings, day care providers, grandparents—nearly anyone who is familiar to the child and responds to the infant's proximity needs with some frequency. The more frequently a person meets the needs of the child, the higher they rise in the hierarchy, and the better they are able to provide a substitute secure base and safe haven for the child.²⁴ Although the child strongly prefers the caregiver who most commonly meets her needs, the child is able to rely on less preferred caregivers in that person's absence.²⁵

II.

QUALITY OF THE ATTACHMENT RELATIONSHIP: HOW WELL
DO PARENTS MEET CHILDREN'S NEEDS?

As one would expect, there are broad individual differences in caregiver-infant interaction histories. Infants have memories of how they and their mothers typically behave, and "how each is likely to respond to the other as environmental and other conditions change".²⁶ It is assumed that infants have generalized memory structures for routine interactions with their mothers (such as cuddling, eye contact, and soothing) as early as 3 months.²⁷ These and later memory structures primarily represent how

23. A SECURE BASE, *supra* note 6, at 28.

24. This suggests a theoretical reason for the existing policy of placing a child with a family member if one is available to care for her. If the child already has an attachment relationship with the person and is accustomed to using that person as a secure base in the absence of the mother, the shift in primary caregivers will be less abrupt and distressing to the child. Placement with a familiar caregiver buffers the child against some of the negative effects of separation. JOHN BOWLBY, SEPARATION: ANXIETY AND ANGER 18 (1973) [hereinafter SEPARATION].

25. JOHN BOWLBY, THE MAKING AND BREAKING OF AFFECTIONAL BONDS 46 (1979) [hereinafter THE MAKING AND BREAKING OF AFFECTIONAL BONDS].

26. A SECURE BASE, *supra* note 6, at 165.

27. Inge Bretherton, *Open Communication and Internal Working Models: Their Role in Attachment Relationships*, in NEB. SYMP. ON MOTIVATION 1988: SOCIOEMOTIONAL DEV. (Ross A. Thompson ed., 1990) [hereinafter *Open Communication*].

reliably the caregiver meets the needs of the self.²⁸ From specific memories, infants later construct more general schemata about their relationship with the mother (i.e., mother helps me) from their interaction history.²⁹ By age 12 months, the infant internalizes her individual experiences with the caregiver into mental expectations about how trustworthy or reliable the caregiver is, and a belief about how worthy she (the child) is of care.³⁰ Attachment Theory calls these generalized expectations about relationships, particular caregivers, and the self "internal working models".³¹

Although early mental representations develop from unique interactional experiences, it appears that the representations themselves are biologically constrained to three fundamental categories. Researchers find only three basic classifications because all infants have the same attachment goal (attainment of proximity when a safe haven is needed), but caregivers can be characterized as either predictably responsive, unpredictably responsive, or predictably unresponsive to their children's needs for comfort and proximity when they are distressed.³² Thus, the resulting attachment classifications are secure, insecure/resistant (or ambivalent), and insecure/avoidant.³³ Most children (usually about 65% of a sample in the United States) have secure attachments with their mothers; 10-15% show ambivalent attachments and 20-25% have avoidant relationships.³⁴

28. Pipp & Harmon, *supra* note 15, at 650.

29. *Open Communication*, *supra* note 27, at 62, 81.

30. *Attachment Theory*, *supra* note 15, at 12; *Open Communication*, *supra* note 27, at 62-63; see also Mary Main, Nancy Kaplan & Jude Cassidy, *Security in Infancy, Childhood, and Adulthood: A Move to the Level of Representation*, 50 *GROWING POINTS OF ATTACHMENT THEORY AND RES.: MONOGRAPHS OF THE SOC'Y FOR RES. IN CHILD DEV.* 66 (Inge Bretherton & Everett Waters eds., 1985).

31. Main, Kaplan & Cassidy, *supra* note 30, at 76.

32. This is the finding made by Ainsworth after months of extensive, non-obtrusive observations of mothers and infants. *SEPARATION*, *supra* note 24, at 40. It should be noted that the latter category, the predictably unresponsive parent, does not imply that the parent is neglectful. These parents generally provide for all the physical needs of their children, and generally interact with their children a great deal when the children are content. They simply are not available to their children when they are distressed. Abuse may give rise to attachment behavior that is a distortion or combination of the basic types, as will be discussed *infra*, Part III.

33. Main, Kaplan & Cassidy, *supra* note 30.

34. These percentages come from empirical research using Mary Ainsworth's Strange Situation paradigm. The Strange Situation is used to measure the quality of the caretaker-child bond in one to two-year-old children. The Strange Situation involves a series of eight episodes, in which an infant is exposed to three events known to be stressful to babies older than 7 or 8 months: separation from the mother, being alone in an unfamiliar place, and being approached by a stranger when the mother is not present. The Strange Situation evaluates infants' reactions to the separation and to the stranger, their willingness to explore the unfamiliar environment under different conditions, and, most importantly, their behavior towards the mother during the reunion episodes. *A SECURE BASE*, *supra* note 6, at 9-10. During the reunion episode, secure infants actively (and positively) seek and maintain contact with the mother, and quickly recover from the distress of the separation. The avoidant children, on the other hand, do not seek contact with their mothers when they return, and in fact will look away if their mothers approach them. The resistant children are more distressed by separation than the other two groups, and harder to comfort upon reunion as

When parents are consistently sensitive, the child develops a secure relationship.³⁵ In these relationships, the parent can be trusted to be there to provide a "safe haven" whenever the child requires proximity, especially when the child is distressed. Because the child trusts the parent and has an expectation of safety, the child can confidently use the parent as a secure base and move away from her for certain intervals to explore her environment.³⁶ Securely attached children tend to be independent and will ask for help only when they need it. They are upset by a separation, but are happy to see the caregiver when she returns and are easily soothed.³⁷ By the end of the first year, infants with responsive mothers learn ways of communicating without crying; they generally find positive ways of seeking proximity when they need it, such as crawling over to the mother or vocalizing.

When parents are unpredictable in their responsiveness, children develop a fear that they will not have their security needs met when they are distressed. Such children are labeled resistant or ambivalent. Rather than engaging in exploration, ambivalent children tend to cling to their parents or monitor them closely.³⁸ They are too preoccupied with the proximity of the parent to engage in developmentally positive tasks, and tend to be very dependent, seeking help or proximity before it is really necessary because they are not confident that it will be available when the need becomes greater. Although these children do seek help when even mildly distressed (usually by whining or crying), they also tend to be difficult to soothe. They demonstrate a combination of clingy behavior and anger in response

well. It appears that they are angry at the mother for leaving them alone, and refuse to allow themselves to be consoled by her. Damon, *supra* note 11. Different procedures are used to assess attachment in older children, adolescents, and adults. See, e.g., Main, Kaplan & Cassidy, *supra* note 30.

35. DAVID SHAFFER, SOCIAL AND PERSONALITY DEVELOPMENT 138-39 (1988). Many studies have demonstrated that attachment type is predominantly caused by the responsiveness of the caregiver (the mother, in these studies), and not by the temperament of the infant. See, e.g., Silvia M. Bell & Mary D. Salter Ainsworth, *Infant Crying and Maternal Responsiveness*, 43 CHILD DEV. 1171 (1977) (finding association between history maternal responsiveness rather than innate constitutional differences and infant irritability); John E. Bates, Christine A. Maslin & Karen A. Frankel, *Attachment Security, Mother-Child Interaction, And Temperament As Predictors Of Behavior-Problem Ratings At Age Three Years*, in 50 GROWING POINTS OF ATTACHMENT THEORY AND RES.: MONOGRAPHS OF THE SOC'Y FOR RES. IN CHILD DEV. (Inge Bretherton & Everett Waters eds., 1985) (finding no relationship between maternal ratings of the infant's temperament (measured at 6 months) and attachment type measured at 13 months); Jay Belsky & Michael Rovine, *Temperament and Attachment Security in the Strange Situation: A Developmental Rapprochement*, 55 CHILD DEV. 718 (1987); Michael Lewis & Candice Feiring, *Infant, Mother, and Mother-Infant Interaction Behavior and Subsequent Attachment*, 60 CHILD DEV. 831 (1989) (noting that temperament affects expression of attachment behaviors without affecting the quality of attachment relationship itself).

36. A SECURE BASE, *supra* note 6, at 121-22; SHAFFER, *supra* note 35, at 137-38.

37. SHAFFER, *supra* note 35, at 137.

38. *Id.*

to soothing by the caregiver,³⁹ and it is difficult for them to achieve a feeling of security.

Children whose parents are predictably unresponsive are labeled avoidant. Having developed the expectation that the mother will be unresponsive to distress, the child will interact with the mother primarily when she is content. Avoidant children tend to appear independent because they rarely seek out the mother when distressed. However, they still have security needs which are not being met, and therefore this behavior puts them at a developmental disadvantage. For example, these children seem to require less attention from their mothers than ambivalent children, but they are also inhibited in their exploration by a lack of a secure base.⁴⁰

Researchers have found that a child can be securely attached to one caregiver in her hierarchy and insecurely attached to another. For example, Main and Weston found no relationship between the classification of the child's relationship with the mother and that of the child's relationship with the father.⁴¹ This study shows that a child may simultaneously develop an insecure and a secure relationship with two different individuals, because the quality of a relationship reflects that child's expectations about a particular individual. The quality of the attachment relationship does not affect the importance or primacy of the caregiving relationship. The child, for example, can have a stronger, but avoidant, attachment to the mother and a secondary, but secure, attachment to the father.

Insecure relationships develop even in families without serious psychological or relationship problems. Most insecurely attached children are not abused, nor would they be considered neglected, and will not end up in the foster care system. However, abused children will almost certainly be insecurely attached,⁴² as will many other children who enter the child

39. *Id.*

40. *Id.* at 137-38.

41. Mary Main & Donna Weston, *The Quality of the Toddler's Relationship to Mother and Father: Related to Conflict Behavior and Readiness to Establish New Relationships*, 52 *CHILD DEV.* 932 (1981) (finding child's attachment classification with mother and father to be independent).

42. Not surprisingly, research on the attachment relationships of abused children indicates that 70-100% are insecurely attached to their abusive caregiver. Dante Cicchetti, *How Research on Child Maltreatment Has Informed the Study of Child Development: Perspectives from Developmental Psychopathology*, in *CHILD MALTREATMENT: THEORY AND RESEARCH ON THE CAUSES AND CONSEQUENCES OF CHILD ABUSE AND NEGLECT* 388, 391 (Dante Cicchetti & Vicki Carlson eds., 1989). Some researchers have suggested that all abused children will be insecurely attached to their abusive caregivers, and previous findings that some abused children are securely attached were an artifact of the forced choice between secure, avoidant and ambivalent classification. Now there is a fourth classification, disorganized, which can be applied to children who cycle through different types of attachment behaviors, as abused children tend to do. This should eliminate those artifactual findings. Vicki Carlson, Dante Cicchetti, Douglas Barnett, & Karen Braunwald, *Finding Order in Disorganization: Lessons from Research on Maltreated Infants' Attachments to Their*

welfare system.⁴³

As discussed above, the primary function of the attachment behaviors and the resultant attachment relationship is to promote the safety and survival of the child. Generally, threats to infants and young children come from the environment, and not the relationship itself. Strange distortions occur in the attachment relationship when the risk arises within the relationship itself, because of maltreatment by a caregiver.

The fact that these children's abusers and caregivers are one and the same does not undermine children's biologically driven desire for proximity to the caregiver when they experience fear, but this dependence is in conflict with their fear about their parents' reactions.⁴⁴ Abused children may actually develop a greater dependence on their caregivers, since they are likely to experience danger and fear of danger (which trigger attachment behaviors) far more often than non-abused children. However, they expect to be ignored, rebuffed or punished for expressing weakness or distress.⁴⁵ Abusive parents tend to be harsh, interfering, controlling, and negative in interactions with their children.⁴⁶ Because of this tension between fear of the parent and need for proximity, the emotional bonds formed are of very poor quality, and the attachment behaviors the children display are highly unusual.⁴⁷

When distressed, abused children may show, in a single episode, the high proximity seeking behavior of the secure or ambivalent child (though the proximity seeking behavior is often more circumspect than that of secure or ambivalent children), the high avoidance of the avoidant child (with unusual self-soothing methods, such as rocking or other repetitive behaviors), and either the anger and resistance (expressed as crankiness or

Caregivers, in CHILD MALTREATMENT: THEORY AND RESEARCH ON THE CAUSES AND CONSEQUENCES OF CHILD ABUSE AND NEGLECT 494, 520-21 (Dante Cicchetti & Vicki Carlson eds., 1989).

43. Some securely attached children may end up in the child welfare system as well. For example, if the child is removed because of current homelessness, parental drug problems, or the parent's mental illness, she may still have developed a secure bond with her parent before the problems began. Once the child forms a secure bond, that pattern will tend to persist even in the face of dramatic changes in the parent's behavior. It should never be assumed that the child's relationship with her biological parents is insecure simply because the parents are currently adjudged to be unable to care for the child. However, the policies that benefit insecure children (especially the visitation policy I recommend) will have a benefit for secure children as well.

44. Patricia M. Crittenden & Mary D. Salter Ainsworth, *Child Maltreatment and Attachment Theory*, in CHILD MALTREATMENT: THEORY AND RESEARCH ON THE CAUSES AND CONSEQUENCES OF CHILD ABUSE AND NEGLECT 432, 442 (Dante Cicchetti & Vicki Carlson eds., 1989).

45. *Id.*

46. *Id.* at 447.

47. Paul W. Howes & Dante Cicchetti, *A Family/Relational Perspective on Maltreating Families: Parallel Processes Across Systems and Social Policy Implications*, in CHILD ABUSE, CHILD DEV. AND SOC. POL'Y 249 (Dante Cicchetti & Sheree L. Toth eds., 1993); A SECURE BASE, *supra* note 6, at 90-91; B. Egeland & B. Vaughn, *Failure of "Bond Formation" as a Cause of Abuse, Neglect, and Maltreatment*, 51 AM. J. OF ORTHOPSYCHIATRY 78, 78-84.

aggression) or the passivity characteristic of the ambivalent child.⁴⁸ They are therefore classified as avoidant/ambivalent⁴⁹ or disorganized⁵⁰. Even four-year-old abused children tend to show very high levels of distress in the Strange Situation (see, *infra*, note 34), a situation that is usually stressful only for infants.⁵¹ Similar patterns are found in non-laboratory settings.⁵² By the time they reach preschool age, maltreated children develop a highly organized pattern of behavior to cope with this, even if the caregiver's behavior is highly inconsistent.⁵³ These patterns of behavior are adaptive in that situation, but not for the overall development of the child.

III.

OUTCOMES OF ATTACHMENT: THE EFFECTS OF AN INSECURE RELATIONSHIP ON DEVELOPMENT

The quality of the attachment relationship has great significance for later development. Researchers have found that secure attachment predicts such positive attributes as self reliance, persistence in problem solving, confidence, cooperation, enthusiasm, positive affect, curiosity, ego resilience, and ease in establishing positive peer relationships, whereas insecure attachment predicts characteristics like over-dependence, low self-esteem, social incompetence, low tolerance for frustration, and lack of curiosity.⁵⁴ Socially, differences in emotion regulation and communication

48. When parents are behaviorally consistent, maltreated children tend to become compliant, passive and vigilant. If they are inconsistent, the children tend to become negative and resistant instead. The latter is found most often in cases where there is both abuse and neglect. Crittenden & Ainsworth, *supra* note 44, at 450-51.

49. *Id.* at 441-42.

50. See Cicchetti, *supra* note 42; Carlson, Cicchetti, Barnett & Braunwald, *supra* note 42. The term disorganized is often used to classify children showing this pattern of behavior, but the term is misleading. Most of the children so classified do show highly organized behavior in early childhood, even if it does not fit neatly into one of Ainsworth's original three categories.

51. Crittenden & Ainsworth, *supra* note 44, at 442.

52. *Id.* at 447.

53. *Id.* at 442.

54. Richard Arend, Frederick L. Grove, & L. Alan Sroufe, *Continuity of Individual Adaptation from Infancy to Kindergarten: A Predictive Study of Ego-Resiliency and Curiosity in Preschoolers*, 50 CHILD DEV. 950 (1979) (finding children classified as securely attached to be significantly more resilient and more curious than anxiously attached children); Joseph L. Jacobson & Diane E. Wille, *The Influence of Attachment Pattern on Developmental Changes in Peer Interaction from the Toddler to the Preschool Period*, 57 CHILD DEV. 338 (1986) (finding attachment type to be correlated with social interactive skills); Leah Matas, Richard A. Arend & L. Alan Sroufe, *Continuity of Adaptation in the Second Year: The Relationship Between Quality of Attachment and Later Competence*, 49 CHILD DEV. 547 (1978) (characterizing infants identified as securely attached at eighteen months to be more enthusiastic, persistent, cooperative, and effective than insecurely attached infants); L. Alan Sroufe, *Appraisal: Bowlby's Contribution to Psychoanalytic Theory and Developmental Psychology; Attachment: Separation: Loss*, 27 J. OF CHILD PSYCHOL., PSYCHIATRY, AND ALLIED DISCIPLINES 841 (1986) (summarizing work of John Bowlby and subsequent research indicating relationship between attachment type and adult self-reliance, self-esteem, empathy, and ease in forging new relationships).

develop by the end of the first year of life.⁵⁵ Insecure children also show less positive emotion and more fear with strangers than secure children.⁵⁶ Secure and insecure children have different expectations of how trustworthy adults are, and the expectations they have about their caregivers bias their expectations about others.⁵⁷ Attachment researchers believe that secure and insecure children also develop different beliefs about how worthy they are of care. (Very young children do not realize that a caregiver is unresponsive because of the adult's own problems; they internalize the lack of responsiveness as a negative attribute of the self.) This early belief will influence the child's self concept as it develops. All of these differences between secure and insecure children can have striking effects on the reactions they evoke from peers and adults.⁵⁸

The quality of the attachment relationship also affects the child's cognitive development. The fact that an insecure child does not have the reliable secure base she needs for optimal exploration will inhibit her creativity and independence. Furthermore, much of early learning, such as language development and learning to play with objects, occurs in a relationship pair. Ideally, parents and children work jointly at tasks like stacking blocks, matching shapes, or working a "busy box"; the child does what she can, and the parents provide support when the child reaches the limits of her capacity, modeling the next step so the child can learn.⁵⁹ In an insecure relationship, this support may be requested too soon (before the child gets to experience her growing ability to accomplish tasks alone) or too late (after the child experiences great frustration).

Developmental tasks can be even more difficult for abused children than for other insecurely attached children.⁶⁰ Because abused children lack a secure base and safe haven, exploration is limited. They are preoccupied

55. See *Open Communication*, *supra* note 27, at 66.

56. Everett Waters, Judith Wippman & L. Alan Sroufe, *Attachment, Positive Affect, and Competence in the Peer Group: Two Studies in Construct Validation*, 50 *CHILD DEV.* 821 (1979); Main & Weston, *supra* note 41.

57. See, e.g., Jude Cassidy & R. Rogers Kobak, *Avoidance and Its Relation to Other Defensive Processes*, in *CLINICAL IMPLICATIONS OF ATTACHMENT* (Jay Belski and T. Nexworski eds., 1988). They found that by age three, avoidant children will not express distress when interacting with strangers. The child has consistently experienced rejection from the mother when distressed, and expects the same from strangers. Therefore, she acts defensively to avoid that rejection. Unfortunately, this makes it impossible for the child to learn that others might react differently.

58. See, e.g., Jacobson & Wille, *supra* note 54, finding that secure children show less negative emotion and withdrawal, more leadership, greater competence, confidence and effectiveness in peer interactions at age 3. Secure age mates tend to ignore or even show hostility to ambivalent children.

59. Matas, Arend & Sroufe, *supra* note 54; Arend, Grove & Sroufe, *supra* note 54.

60. In some cases, of course, the abuser will not be the primary caregiver, but a secondary one. In these cases, children will have different attachment relationships with each caregiver. If the relationship with the primary caregiver is secure, a better developmental outcome can be expected than if the relationship is insecure or abusive.

with managing safety and promoting proximity to the parent without invoking danger. Some, especially those that show stronger signs of ambivalence, will not explore at all; others will explore only when the caregiver is presenting no signs of stress or anger.⁶¹ They also develop a mistrust of others, and a belief that they themselves are unworthy of care.⁶² These factors will certainly have a negative impact on their overall social and cognitive development, above and beyond the effects of the abuse itself. Below, I will discuss some suggestions for improving the developmental prognosis of these children, and other insecure children, if they enter the foster care system.

THE STATE AS PARENT: HOW ATTACHMENT THEORY CAN BE USED TO DEVELOP CHILD WELFARE POLICY IN THE BEST INTEREST OF THE CHILD

When the state assumes the role of the parent, it should be expected to parent in a manner that will optimize the development of the children in its care. To do this, policy needs to be based on psychological principles of development. Using developmental theory as a basis for child welfare policy would require significant changes in how the state parents the children in its custody, but this is necessary to serve children's developmental needs appropriately. In this paper, I focus on a few of the recommendations that emerge from the principles of Attachment Theory.

I.

THE STATE SHOULD PROVIDE HIGH QUALITY SUBSTITUTE PARENTING

Theoretically, the state usurps the parents' role only when it feels that parents are incapable of meeting the basic needs of the child or the child is otherwise in danger. Unfortunately, the state has proved to be a very poor parent itself. If the state is going to parent children, it should be required to parent in ways that will provide for children's developmental needs, not just their safety needs. Attachment Theory can be a useful guide in developing programs which will serve the best interests of the child.

A. Foster Parents Should Provide a Secure Base for the Child

1. Foster Parents Should Receive Training to Promote Secure Relationships for Pre-Attached Infants in their Care.

If the infant is too young to have developed an attachment relationship with her natural parent before being placed in foster care, her primary

61. Crittenden & Ainsworth, *supra* note 44, at 452. It is hypothesized that neglected children will be even more reluctant to explore the environment, but there is no empirical evidence on this issue.

62. *Attachment Theory*, *supra* note 15, at 21.

attachment will be to the foster parent and the quality of that relationship will depend upon the foster parent's responsiveness and sensitivity. Given the developmental consequences of insecure attachment, I believe the state has an obligation to provide high quality parenting when it takes over the parenting role. Therefore, foster parents should receive some training in child development so they can help the child develop the secure attachment she needs to thrive.

Parenting classes in which prospective foster parents can learn about Attachment Theory and how to satisfy the developmental needs of infants should be required for all adults interested in becoming foster parents, including children's relatives, if the child will be in kinship foster care. Training would not have to be lengthy or expensive, but potential foster parents need to be alerted to the needs of infants and the consequences when those needs are not met. Although the state could not require such training for natural parents without major changes in national beliefs about parental rights, it can and should require such training when it takes over the parenting of the child. The best interest of the child requires a parent who can provide a secure base for successful development.

2. *Foster Parents Should Receive Training in Parenting Insecurely Attached Children.*

Placing a child who is already attached to her natural parents in foster care also implicates many attachment issues. The distress of separation from her family will trigger very strong attachment needs. Regardless of the quality of the family relationships, the child's need for security will be extremely high during the family separation and the child will rely on the foster parents to provide comfort and security during this very trying time. However, the child may not make it easy for the foster parents to provide the security she desperately needs. For example, Bowlby observed that children experiencing separation from their natural parents became intensely possessive and jealous of their substitute caregivers, but were also prone to behave with hostility towards them at times, and to ignore or reject them at other times.⁶³ Foster parents should be taught what to expect behaviorally from foster children, and how to meet their attachment needs during this difficult period.

Over time, if the placement is stable, foster children will form attachment relationships with their foster parents, but the quality of attachment is likely to be insecure unless foster parents are given appropriate training.⁶⁴ Older infants and children in the child welfare system enter foster care with

63. SEPARATION, *supra* note 24, at 4. The subject of mourning the loss of a parent, and expected behaviors under the circumstances, are discussed further, *infra*, Part II-A.

64. Remember that attachment needs are always present, but that attachment relationships develop over time with those that habitually are called upon to reduce the attachment drive.

strong attachments to their natural parents. Often, these are insecure attachment relationships. Unfortunately, representational models of earlier relationships tend to bias a child's perceptions and behaviors in new relationships.⁶⁵ Therefore, an insecurely attached child who enters foster care is likely to have difficulty forming secure relationships with the foster parents. To overcome this obstacle, foster parents should receive training in how to parent an insecure child. This should include information about what to expect behaviorally and emotionally from an insecure child, and training in ways to overcome the child's negative expectations about the trustworthiness of caregivers. With the proper training, a foster parent should be able to learn how to help an insecure child develop a secure relationship in foster care.

The child's mental model of her first attachment relationship is a mechanism through which the relationship with the attachment figure can continue its influence across many years and in situations where the attachment figure is not present.⁶⁶ When the child forms bonds with new people, she assimilates the new relationship into an existing model of a parent or the self.⁶⁷ This makes the child's first relationship models themselves highly stable over time and across many different relationship experiences.⁶⁸ Because a child's early internal working models, though created from interactions with particular caregivers, increasingly become a part of the child herself,⁶⁹ forming secure relationships with later caregivers is difficult for an insecure child. "Whatever pattern is first established tends to persist. This is a main reason why the pattern of family relationships a person experiences in childhood is of such crucial importance for the development of [his] personality."⁷⁰

Functioning largely out of awareness, the mental model of the relationship continuously influences the child's social behavior and biases her social information processing (her thoughts and feelings, her expectations about, and interpretation of, interactions, etc.).⁷¹ For example, the internal working models of avoidant children contain the expectation that the mother will be attentive when they are content, but will withdraw when they express negative emotion. By age three, this expectation is extended to strangers.⁷² Children expect interactions with new adults to resemble closely interactional patterns represented in the internal working model of

65. Cassidy & Kobak, *supra* note 57.

66. A SECURE BASE, *supra* note 6, at 127.

67. *Id.*

68. See, e.g., R. Rogers Kobak & A. Sceery, *Attachment in Late Adolescence: Working Models, Affect Regulation and Representations in Self and Others*, 59 CHILD DEV. 135 (1988) (finding that relationship models developed in childhood persist relatively unchanged into early adulthood).

69. *Id.*

70. THE MAKING AND BREAKING OF AFFECTIONAL BONDS, *supra* note 25, at 104.

71. Cassidy & Kobak, *supra* note 57.

72. *Id.*

their relationships with their mothers. They expect that all people will reject them if they express negative emotion, and so it is carefully controlled. Unfortunately, a child's behavior makes it impossible for her to learn if others would respond differently. Since she will not receive disconfirming evidence for her internal working model, it will remain intact and unchanged even in a new relationship.

For a securely attached child, this is a positive thing. The child can retain his or her belief that people are trustworthy and that he or she is worthy of care, even if faced with an insensitive foster caregiver. However, for an insecure child, this means that it will be difficult to develop positive relationships with foster parents or adoptive parents, regardless of the quality of care they provide.

Developing a secure relationship in foster care is not impossible. Researchers have found that over time, children's expectations will change to reflect new experiences.⁷³ If the child consistently experiences responsive and sensitive care in placement, it is likely that her internal working models will change to reflect those experiences. If children can learn to trust foster parents, they can use them as a secure base and a safe haven. Many foster parents, however, will not know the degree to which a child in their care requires consistency and predictability, and thus must be provided with training that focuses on the problems foster children might have trusting their new caregivers, and emphasizes sensitivity to the gradual development of the child's internal working model of relationships. Such training would aid avoidant children in developing secure attachments. Foster parents should also learn to meet the unique demands of abused children, who may show signs of both avoidance and ambivalence.

Because avoidant children repress expression of security needs, even an excellent foster parent may not be aware that she is not providing for the security needs of the child. Foster parents can be taught that some children are not going to express negative emotions or ask for care when they need it. They can learn about those conditions under which most children require proximity and comfort, and can be encouraged to provide it even if the child seems not to want it. Through caregivers' persistence and sensitivity, the child may learn that she can count on the foster parent to be a secure base and safe haven, thus enabling her to develop a secure relationship.

If the child is ambivalent, her over-dependence or the manner in which she communicates her needs may be annoying to a foster parent. This, in turn, could lead the foster parent to respond as inconsistently as the natural parent. To disrupt this process, foster parents should be taught that, over time, predictable caretaking can change those behaviors. Once the child

73. See, e.g., *Attachment Theory*, *supra* note 15, at 35.

learns that the foster parent is reliable, she will become more independent and easier to care for.

Even children with secure relationships to their natural parents often fluctuate between secure, avoidant, and ambivalent reactions to distress and comforting from an adult following a separation from their parents.⁷⁴ Such a separation undermines their expectations about the parent's responsiveness and trustworthiness; upon separation, established patterns of behavior no longer provide the comfort they once did. In an attempt to cope with the change, the child may display less adaptive behaviors. Therefore, even securely attached children require foster parents who are trained to identify and meet their security needs.

Given the importance of a secure relationship, and the difficulty of attaining one when a child must overcome strong expectations about the reliability of caregivers, it is essential that foster parents be given training in how to facilitate the development of a secure bond. Even sensitive, reliable caretaking will not be sufficient, however, if the child is moved from one foster placement to another. The development of a secure attachment relationship requires that the child experience interactions with the caregiver over time, so she can develop new expectations and test new hypotheses about the trustworthiness of that caregiver.

3. *The State Should Emphasize the Importance of Stable Placement*

Because attachments develop from a history of interactions which allow children to perceive patterns and develop mental representations of the relationship, it is important that children in the custody of the state experience stable placement. Creating a secure relationship in placement will be especially difficult when the child has had previous insecure relationships, making stability even more urgent. I believe that careful selection of foster parents, along with the training I have recommended, increases the likelihood of stable placement. When foster parents know what to expect and are prepared to respond, the relationship they develop with the child will be better, the child will adapt better to placement, and foster parents will be less likely to become frustrated and request that the child be removed and placed elsewhere. Visitation can also promote stability, since children who are frequently visited are better behaved and more willing to form new relationships than those who feel abandoned and suffer the effects of mourning a loved one.⁷⁵ The state should take whatever steps

74. Carlson, Cicchetti, Barnett & Braunwald, *supra* note 42, at 506.

75. The effects of mourning and the need for visitation are discussed below. It should be noted, however, that the type of continuous, frequent visitation I recommend there would be expected to mitigate substantially the effects that multiple placements have on children.

are necessary in the selection and training of foster parents to ensure that children experience stable placement.⁷⁶

B. Secure Relationships with Foster Parents Can Promote the Parent-Child Relationship

An additional reason the state should provide children with high quality and stable foster care is that developing secure attachment relationships with substitute parents can improve the relationship between a child in foster care and her natural parents. Just as the internal working models developed in a child's relationship with her parent affects her later relationships with foster parents, new expectations about relationships developed in foster care should impact her relationships with her parents. Theoretically, developing secure internal working models with new caregivers should improve a child's perceptions and behaviors in other relationships, including her relationship with her parents. A child who expects her caretakers to be reliable and sensitive tends to ask for help when she needs it, maintains positive emotion while asking for help (rather than whining), resists frustration, and is easily soothed and comforted when upset. This makes parenting much easier, of course, so once the child has secure internal working models of foster parents, the relationship is likely to improve with her natural parents even if the natural parents are not significantly more sensitive than before placement. If successful family reunification is the state's ultimate goal, providing high quality foster care can help to ensure that the family environment the child returns to is healthier than the family environment from which she was removed.

II.

THE STATE SHOULD MINIMIZE THE DETRIMENTAL EFFECTS OF
PARENT-CHILD SEPARATION BY CHANGES IN
VISITATION POLICIES.

Federal and state laws concerning visitation tend to focus on the interests of the government, rather than the interest of the child. For example, the federal government included a provision in the Federal Adoption Assistance and Child Welfare Act which requires state agencies to place children close to their parents' homes and to inform parents of their visiting rights. The primary impetus for this law was research indicating that parental visits strongly predict family reunification and that more frequent

76. In my opinion, there is no advantage to permanently severing parental rights and freeing the child for adoption over a less permanent, but still stable, placement. While children do need stability in placement, they require security, not "permanency" for optimal development. Very young children are not sensitive to the distinction between "long-term" and permanent placement. Since both parents and children generally desire reunification of the family, I think severing the parent-child relationship to free the child for adoption should only occur when there is little hope of reunification at any point in the future.

visits are associated with shorter stays in foster care.⁷⁷ Since the foster care system generally strives for family reunification, allowing visitation is a practical mechanism for advancing that goal. However, those state statutes that refer to visitation at all tend to do so in the context of termination of parental rights: a failure to visit can be grounds for termination of parental rights to the child.⁷⁸ To avoid detriment to the parent-child relationship, the parents should be allowed to visit their children in foster care far more frequently than current policies permit—perhaps even daily.

Currently, children who are removed from their homes by the state will have little contact with their natural parents while in foster care. Researchers have found that the majority of children in foster care are visited infrequently or not at all.⁷⁹ Hess has found that the frequency of visits is currently beyond the control of the parents; rather, it is dependent upon agency policies and the attitudes of case workers and foster parents regarding visitation.⁸⁰ Yet, agencies often follow practices that discourage visitation.⁸¹ Moreover, most states do not require their child welfare agencies to promote visiting or to include visitation provisions in their case planning.⁸² While such details may seem unimportant, one study found that parents who are given visiting schedules nearly always visit their children, but parents are only told that they can request a visit seldom do so.⁸³

Even when the parents are given a visiting schedule, it is typical to find that they are permitted two visits a month, for an hour each, in an agency office. Attachment Theory indicates that such visitation policies may be detrimental to child development.⁸⁴ First, these policies do not consider that bi-weekly visits (which to a young child seem very infrequent) damage the parent-child relationship. Second, they fail to consider the devastating effect of separation on the child's well-being. In order to serve the best interest of children, the state must minimize the degree of separation between the child and her natural parents when it takes custody of a child.

77. See, e.g., Edmund V. Mech, *Parental Visiting and Foster Placement*, 64 CHILD WELFARE 70 (1985) (finding visitation by biological family to be strongest predictor for time in placement); Elizabeth A. Lawder, John E. Poulin, & Roberta G. Andrews, *A Study of 185 Foster Children 5 Years After Placement*, 65 CHILD WELFARE 241 (1986) (finding kin visitation to be strongest predictor of whether a child in foster care returns to biological family).

78. Kathleen Proch & Jeanne Howard, *Parental Visiting in Foster Care: Law and Practice*, 63 CHILD WELFARE 139, 145 (1984).

79. Peg McCart Hess, *Parental Visiting of Children in Foster Care*, 9 CHILD & YOUTH SERVICES REV. 29, 38 (1987) [hereinafter *Parental Visiting*] (reviewing research on relationship between patterns and frequency of parental visiting and child's well-being and discharge from foster care).

80. Peg McCart Hess, *Case and Context: Determinants of Planned Visit Frequency in Foster Family Care*, 67 CHILD WELFARE 312 (1988) (finding that parental visitation is usually subject to caseworker availability and observation).

81. *Id.*

82. Proch & Howard, *supra* note 78.

83. *Parental Visiting*, *supra* note 79, at 42-43.

84. Nevertheless, if reunification is the ultimate goal, these visits are preferable to no visits at all.

This will require the state to adopt an entirely different type of visitation policy.⁸⁵ In its role as substitute parent, I believe the state has a duty to adopt visitation policies that will protect the child from negative outcomes and promote positive ones.

A. The Effect of Separation on the Child's Development Would be Mitigated by More Frequent Visitation

Any prolonged separation will induce mourning in a young child. Bowlby found children mourn even during a fairly short separation from their parents.⁸⁶ A child in mourning will experience both longing for the caregiver and anger with the caregiver for deserting her. Attachment theorists believe that "the experience of a young child being separated from his mother. . . [generates] conflict so great that the normal means of its regulation are shattered."⁸⁷ Mourning is difficult for adults too, of course, but psychologically healthy adults can resolve the conflict by consciously addressing and resolving these conflicting feelings. Children are typically unable or unwilling to express their complex feelings, even if they are old enough to talk, and so the conflict remains. Because children are unable to cope with the conflict, defense mechanisms will operate to relegate it to the subconscious, where it will exert a pathological effect on the child's behavior.⁸⁸ Significantly, Attachment Theory has found that the detrimental effects of separation are even worse for insecurely attached children.⁸⁹ Insecurely attached children lack a foundation of trust in the parent, and have even greater difficulty articulating their emotions than secure children.⁹⁰ This inability to express their feelings can exacerbate the detrimental effects of separation.

When children are placed in foster care they may feel abandoned, helpless, and angry, and they often fear permanent loss and death of a parent.⁹¹ Researchers have observed tantrums, destructive behaviors, hostility and violence in children separated from their parents for as little as a few

85. Because children readily maintain multiple attachment bonds, as I discussed above, there should be no concern that contact with the biological parents will make it difficult for the child to develop a strong relationship with the foster-care provider.

86. In one study, the children were separated from their parents for as little as 12 days. *THE MAKING AND BREAKING OF AFFECTIONAL BONDS*, *supra* note 25, at 9.

87. *Id.*

88. *See id.* at 56.

89. *See id.* at 97.

90. Parents of avoidant infants ignore their signals more, and engage in play with the infant primarily when he or she is in a good mood. *Open Communication*, *supra* note 27, at 65. Therefore, the infant learns that if he or she wants parental attention, negative affect must be suppressed. Bretherton refers to this phenomenon as emotional theft: the insensitive mother models how the baby should feel, rather than affirming how the baby does feel. In secure relationships, mothers attend to their children's distress signals, so the child feels these signals have communicative value. Therefore, secure infants learn to express a broader range of emotions. *Id.* at 88.

91. R. Kevin Grigsby, *Maintaining Attachment Relationships Among Children in Foster Care*, 75 *FAMILIES IN SOCIETY: J. OF CONTEMP. HUM. SERVICES* 269, 271 (1994).

weeks.⁹² Many children lose bowel control, another indicator of stress.⁹³ They alternate between clinging to familiar toys from home and expressing aggression towards them.⁹⁴ This type of separation reaction is clearly going to make it difficult to care for a child in foster care, as well as being painful for the child. The needs of the child and the system would be better met by encouraging the natural parent to visit the child regularly, even daily, while in placement. Allowing even two weeks between visits is enough to provoke the type of reaction Bowlby observed. Furthermore, as discussed below, the effect of repeated separations (occurring after each visit) is even more damaging to the child. Therefore, bi-monthly visits could be very detrimental to the child, whereas daily visits would mitigate the negative effects of separation.

Research suggests that the well-being of children in foster care is significantly improved by visitation. Frequent visiting improves cognitive functioning, emotional well-being, social skills, and the child's resources to deal with stress. Visited children have higher IQ scores, are more agreeable, less hostile, and experience less stress than unvisited children in foster care.⁹⁵ Unvisited children in foster care are referred for psychological treatment much more often than visited children.⁹⁶ As noted above, children need to have a secure base in order to develop socially and cognitively. Lacking such a base, Attachment Theory predicts that foster children are likely to suffer terrible developmental difficulties. Even an insecure child is able to use his parents as a secure base to some extent. When this is taken away, and the child has difficulty trusting a new caregiver to provide a secure base, she will not explore, trust, or express herself well. This will affect every aspect of her development. The state, as a substitute parent, has a duty to respond to this data, and recognize that encouraging frequent visitation is one of the most important things it can do for a child's development.

The importance of frequent visitation is further bolstered by the finding that early separations have long term, as well as short term, effects. For example, some attachment researchers studying how early separations affect the mental health of adults have found that the disruption of relationships in childhood is a significant predictor of depression, suicide in adulthood, and sociopathic personality which expresses itself as delinquency or criminal behavior.⁹⁷ Indeed, suicide is especially likely if the separation occurs in the first five years of life.⁹⁸

92. SEPARATION, *supra* note 24, at 10.

93. *Id.*

94. *Id.*

95. *Parental Visiting*, *supra* note 79, at 34.

96. *Id.* at 34.

97. THE MAKING AND BREAKING OF AFFECTIONAL BONDS, *supra* note 25, at 72.

98. S. Greer, J. Gunn, & K. Koller, *Aetiological Factors in Attempted Suicide*, 1966 BRIT. MED. J. 1352, 1352-55.

In many cases, a solution is to encourage parents to visit their children frequently in the foster home.⁹⁹ If the state foster care system allowed daily visits, most children in foster care would not have to experience loss and mourning or its consequences at all. Children might still be upset by a change in their daily routines (such as who feeds them breakfast, bathes them and puts them to bed) when they are placed in foster care, but they would not have to go through the process of mourning nor suffer its devastating effects. Because the child will not be suffering from a major psychological disturbance, visitation can make a big difference in adjustment to placement and social behavior in placement.¹⁰⁰

B. The Effect of Separation on the Parent-Child Relationship Indicates a Need for More Frequent Visitation in Foster Care

When the state takes custody of a child, the separation will inevitably be distressing to any child older than about 7 months, the age at which most children have formed an attachment relationship. This is true regardless of the quality of parenting the child experienced in the home. Prolonged, complete separations are very difficult for children, even if the substitute caregiver can provide better quality care than the biological parent. Children form strong bonds even to the worst parents; they prefer the care of these caregivers, and find the disruption of these bonds very painful. Even abused children have persistent desires for their parents after placement in state care.¹⁰¹

Attachment Theory was initially developed based on observations of two and three year old children who had endured separations from their parents for at least several days, after having formed an emotional relationship with them.¹⁰² The children were placed in residential nurseries while their mothers were in the hospital giving birth to a sibling or receiving other medical attention. More than half returned home after 12 to 17 days, with the longest separation lasting 21 weeks. The children did not see any

99. When this is impossible, it is important to train foster parents to help children cope with separation, resolve their feelings of abandonment, anger, and fear, and express their feelings about their loss. This training is especially important for dealing with children who have insecure relationships with their parents, because they will have more difficulty communicating their feelings. Foster parents should also learn how to help infants who are old enough to suffer from the loss but too young to communicate verbally.

100. This is true even for older children who are removed because of their own misconduct. In one study of 13-16 year old boys in juvenile detention, the researchers compared the boys who were most often visited (up to once a week) to those who were less often visited. The most often visited boys were half as likely to engage in major misconduct, and more than half as likely to run away or engage in moderate misconduct. Robert Borgman, *The Influence of Family Visiting Upon Boy's Behavior in a Juvenile Correction Facility*, 64 CHILD WELFARE 629 (1985).

101. Rita Eagle, *The Separation Experience of Children in Long Term Care*, 64 AM. J. OF ORTHOPSYCHIATRY 421, 422-23 (1994).

102. SEPARATION, *supra* note 24, at 6-9.

familiar caregivers during this time. At the end of the separation, Bowlby observed that the parent-child interactions were disturbed.¹⁰³

Attachment researchers have found that children typically become tearful and detached when reunited with their mothers after a separation; many will walk away or even appear not to recognize them.¹⁰⁴ Depending on the length of the separation, this reaction can last for hours or days.¹⁰⁵ If the child only spends an hour or two with her mother after a two week separation (a typical "frequent" visiting schedule for a child in foster care), and exhibits detached behaviors during these visits such as weepiness or anger, the parent and child are unlikely to ever experience positive interactions while the child is in foster care. This absence of affection and interaction can also be extremely distressing to the caregivers. Some parents will be so distressed by this change in their child's behavior towards them that they will no longer want to visit their children. In other cases, the agency might notice the child's distress during or after the visit and recommend that visits be terminated.

Bowlby also observed children and their families for several months following their reunions. Upon return to the family, the child's detachment often lasted for days, especially if the child was unvisited by her parents for several weeks or longer while in foster care. "When at length [the child's detachment] breaks the intense ambivalence of his feelings for his mother are made manifest. There is a storm of feeling, intense clinging and, whenever his mother leaves him, even for a moment, acute anxiety and rage."¹⁰⁶ Some children will return to normal after months of this, but when the separation lasts more than six months or the separations are repeated, children may remain permanently detached or ambivalent.¹⁰⁷

Applying this research to the foster care context, the effect of infrequent visits may continue to have a negative impact on the family even after reunification. After repeated reunions (visits) and separations, the child's sense of detachment is likely to persist indefinitely, which means the

103. *Id.* at 12.

104. *Id.*

105. *Id.*

106. THE MAKING AND BREAKING OF AFFECTIONAL BONDS, *supra* note 25, at 49.

107. See generally THE MAKING AND BREAKING OF AFFECTIONAL BONDS, *supra* note 25. Researchers have noted that children who suffer from detachment show a particular pattern of behaviors. They are often unable to give or receive affection, preoccupied with blood and fire, engage in cruelty to animals, show abnormal eye contact and speech patterns, engage in lying, stealing, show a lack of self control, and have few friendships. They show no bonds to their parents and do not form any new relationship bonds. These children often experience multiple foster care placements, because they are difficult to care for even by those with above average parenting skills. (For a natural parent who has demonstrated problems in parenting in the past, a child who suffers from this problem as a result of the placement may be impossible to care for following the separation). Kandis Cooke Parker & Donald Forrest, *Attachment Disorder: An Emerging Concern for School Counselors*, 27 ELEMENTARY SCH. GUIDANCE & COUNSELING 209 (1993). It is not clear, at present, why some children develop this disorder and some do not as a result of similar experiences.

parent-child relationship will not recover from the separation even after reunification.¹⁰⁸ Even if detachment does not occur, the child may become excessively clingy, fearful and demanding when reunited with her parents after a prolonged separation. This, too, can put a strain on the parent-child relationship. Even formerly secure relationships can change if the child becomes significantly more difficult to care for. Relationships that were insecure before the separation are likely to suffer most, since the parents are not likely to be sensitive to the changed needs of the child and may even feel resentment.¹⁰⁹ The parent's refusal to meet the child's needs are likely to provoke further negative behavior from the child. This creates a downward spiral in the quality of the relationship.

For all these reasons, a reevaluation of current visitation policies is required. The frequency of visits needs to be increased dramatically; even bi-weekly visits are infrequent enough to be detrimental to the parent-child relationship. I believe that daily visits would be in the best interests of the child. Although the child would still experience a shift in primary caregivers, she would not feel abandoned by her parents or experience mourning for their loss if daily visits were possible. Frequent visitation should be part of the agency's placement plan, the times should be scheduled for the parents, and the state should shoulder the cost of transportation if necessary. Clearly, not all parents will be able to visit their children daily, but there should be a structure in place to facilitate daily visits for as many children as possible. When parents are unable to visit daily because they are in prison or psychiatric hospitals, it is important that other significant caregivers visit the child, and that the child visit the primary caregiver as often as possible. Drug treatment should be available to those who require it, as that will increase the likelihood that the parent will meet her visiting schedule. Although this recommendation has many facets, the developmental research clearly indicates that substantially more visitation will prevent the parent-child relationship from deteriorating while the child is in foster care. This modification of current policies would facilitate the reunification children with their natural parents, and thus furthers an important goal of the child welfare system.

Simply allowing regular visits will both preserve the parent-child bond and promote a secure base with both the parents and the foster parents, enabling the child to develop more successfully. With additional modifications, the visitation programs of a state could actually be designed to improve the parent-child relationship, so that most children could ultimately return home to a secure relationship. In this way, the state in its role as parent could further promote the future well-being of the child while respecting parents' rights to raise their children.

108. THE MAKING AND BREAKING OF AFFECTIONAL BONDS, *supra* note 25.

109. *Id.* at 77.

III.

THE STATE SHOULD IMPLEMENT POLICIES TO IMPROVE THE
PARENT-CHILD RELATIONSHIP

When the state chooses to intervene and remove a child, it does so because it has concluded that the natural parent is not the best parenting agent under the circumstances. Generally, the goal is to eventually reunite the family. However, traditionally the state has done too little to help the parents improve their caretaking skills. Under the permanency planning regime, the parents may lose all rights to their children if they can not show they are significantly better able to provide good parenting at the end of a year. Given the gravity of this power, I think the state has a responsibility not only to parent the child well while she is in state custody, but also to improve the parent-child relationship. A therapeutic approach to child welfare would change the dynamic of the foster care system from one in which the state intervenes to care for children because the parents are unable to do so, to one in which the state intervenes to improve the ability of parents to care for their children. It would undoubtedly reduce the amount of time children spend in foster care and the recidivism rates, and the state could more confidently allow parents to resume their role as custodian of the child.

Attachment Theory suggests that increasing the number of visits, and also changing the quality of visits, should be part of this therapeutic approach. Current visitation policies fail to capitalize on the opportunity visits can afford for actually improving the child's relationship with her natural parents.¹¹⁰ If the child's relationship with her primary caregivers changes significantly, especially in the first two or three years of life, her mental representations of attachment will gradually come to incorporate this new information.¹¹¹ Many children who come into the child welfare system will be insecurely attached. Fortunately, attachment researchers have found that internal working models can change to reflect new information. An insecure relationship, with the right encouragement, can become secure.

When patterns of interaction change, children's internal working models will eventually change to reflect new expectations.¹¹² However, such changes are unlikely to occur on the basis of hour-long monthly visits in an agency office. Attachment Theory suggests that the child needs continuous and consistent experience of positive, sensitive parenting to develop a secure internal working model.¹¹³ This is an additional argument for daily or frequent visits by the parent. However, actually improving the relationship

110. The same policy would be important for the maintenance of a secure bond, if the child is securely attached to the parent.

111. A SECURE BASE, *supra* note 6, at 127.

112. *Attachment Theory*, *supra* note 15, at 35.

113. *Id.* at 7.

would also require that the parent have the opportunity to parent during these frequent visits.

Children form attachment bonds only with those who meet their attachment needs for proximity, a secure base, and a safe haven. Similarly, their attachment relationships will change only if the parent changes her style of providing for those needs. Therefore, the visits need to be long enough to trigger attachment needs, and to afford the opportunity for the parent to meet those needs. Yet, no state currently has in place a policy which requires parents to *parent* during their visits.¹¹⁴ The visits should provide the opportunity for the parent to demonstrate substantial, sensitive caregiving. Parents should be allowed to meet some of the comfort needs of the child. For example, the parent could give the child a bath, or put her to bed. Parents should also be there for support in situations where children may feel anxiety, such as in a school performance or at the doctor's office. Participating in events like parent-teacher conferences or even shopping for new shoes for the child can help the parent feel more competent in her role as a caregiver and improve her interactions with the child.

With the stress of continuous care for the child removed, the parent may be better able to respond sensitively to the child's needs during visits. The natural parents can also use the foster parents as role models and receive advice about meeting the security needs of the child. Furthermore, parents can be given additional support to help them become better parents, such as counseling in the developmental needs of children, financial and social support which would reduce their stress levels and allow them to be more sensitive, drug counseling or therapy for mental illness, etc. I think these are all essential services that the state should be providing to parents whose children are in placement. However, here I simply recommend that parents be permitted to see their children as often as they desire, and that they be encouraged to parent during those visits. This will enable them to improve the quality of the attachment relationship, which will then improve the developmental trajectory of the child.

CONCLUSION

In this paper, I have attempted to reduce the work of Attachment researchers to general principles which can be applied to the child welfare system. I have outlined what children need, according to the theory, and the detrimental effects of a failure to meet developmental needs. Attachment is conceptualized as a motivational control system, activated when the child needs security, and preferentially responsive to familiar caregivers. Attachment research indicates that children form strong bonds to their caregivers, regardless of the quality of the relationship, and experience extreme distress upon separation from those caregivers. However,

114. Proch & Howard, *supra* note 78, at 146.

Attachment relationships do differ in quality, and those differences have major implications for child development. Children will develop most successfully when their parents are sensitive and responsive, and when there are no major separations from the caregiver to disrupt the bond.

When the state decides that the parents are not capable of caring for the child, it will take over the parenting role. To provide for the developmental needs of the child, the state must provide the child with the opportunity to form a secure bond with a substitute caregiver while in the state's custody. Without a secure relationship, the child will lack the secure base she needs to successfully navigate developmental tasks.

To help accomplish this, foster parents should be trained to meet the security needs of children in their care so that children can develop secure relationships with them. Many children in the child welfare system have experienced insecure attachments. Changing such children's expectations about trustworthiness and security is difficult and requires consistent sensitivity over a long period of time. Without training, the foster parent will be unlikely to provide the experiences necessary to the child's development of a secure relationship to her caregiver. Therefore, training should be required for all prospective foster parents. Because security of attachment predicts success in many important domains, foster care placement should encourage the development of secure relationships.

Stability is also critical to the development of new attachment bonds, and stable foster care placement should be a priority of the child welfare system. Attachment bonds are built from accumulated experience with a caregiver. If the child is moved from home to home, she will not have time to form bonds with any caregiver. Without stable placement, the relationship is likely to be too short for even excellent parenting to make a difference in a child's internal working models. Thus, both training and stability are required to ensure that the child is able to develop a secure base in foster care, which she will need for optimal social and cognitive development.

In taking custody of a child, the state is also disrupting the parent-child bond. Since disturbances in attachment relationships can have dire effects on later development, I think the state has an obligation to mitigate the effects of separation by allowing the parents to continue their relationship with the child even while the child is in foster care.

Children in state custody should be allowed to maintain frequent, even daily, contact with their biological parents. Even a two week separation is enough to trigger a mourning response in a young child. Visits spaced two weeks apart require a child to undergo painful separations over and over again. This is likely to be so difficult for the parent and the child that visits will drop in frequency over time. Having more consistent contact with the parents minimizes the mourning the child will experience, and reduces the

feelings of abandonment and self-blame a child is likely to have. It increases the likelihood that the relationship will not be further stressed upon reunification. Frequent visitation can thus prevent detriment both to the individual child and to the parent-child relationship.

Ongoing contact with the biological parents is especially important when infants are separated from their parents at birth. Ideally, reunification would occur when the child is still too young to have formed an attachment relationship with the foster parents. Reunification will be extremely traumatic for them if they are removed from familiar foster caregivers and placed with an unfamiliar biological parent once an attachment relationship has developed with the foster parent.¹¹⁵ The distress will be reduced if the biological parent is familiar to the child, especially if they have developed positive interactional patterns.¹¹⁶ To accomplish restoration of the biological family with as little trauma possible, it is important that the child has extensive contact with her biological family throughout her time in foster care.¹¹⁷

The state may step in when it feels the parent is inadequate, but its ultimate goal is generally to restore the child to her family as soon as possible. I think the state could facilitate this goal by using the foster care placement as a therapeutic milieu for improving the parent-child relationship. While the child is in placement, the parent has fewer responsibilities and fewer stressors operating during her visits with the child. She can just focus upon meeting the immediate security needs of the child sensitively and consistently. She can even use the foster parent as a role model if she is not sure what the child needs. This requires, however, that the parent be given the opportunity to parent during visits, and that the parent visit often enough that the child can recognize the change in their interactions. Over time, the child may come to view the parent as more trustworthy and develop a secure parental bond. This will improve the child's overall developmental prognosis.

In light of the important interests at stake, the policy changes proposed are not particularly drastic. Indeed, developmental theory-guided policy is likely to be a tremendous improvement over current child welfare policy. When the state assumes the role of parent, it takes on the responsibility of parenting well and promoting the reunification of the natural family. Under current policies, the state is not satisfying either of these requirements. The policies I have recommended here, which are informed by extensive research in child development, would allow the state to provide foster parenting that would better serve both the child and the natural family.

115. See *Attachment Theory*, *supra* note 15, at 8.

116. SEPARATION, *supra* note 24, at 16-22.

117. *Id.*