

ATTACHMENT PERSPECTIVES ON DOMESTIC VIOLENCE AND FAMILY LAW

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Lieberman and Zeanah are specialist clinicians, researchers, and prolific publishers in the areas of infant mental health, attachment development in high-risk environments, and treatment of infant–parent relationship trauma. In this article, Lieberman and Zeanah discuss the impacts of domestic violence on the attachment security and development of infants and children and address a number of implications for the family law context. Conundrums for parenting visitation and living arrangements are considered, together with the need for multidisciplinary, early response and the pivotal role of family courts in directing this response.

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DIRECT AND INDIRECT IMPACTS OF DOMESTIC VIOLENCE ON YOUNG CHILDREN

McIntosh: Professors Lieberman and Zeanah, as two people who have devoted much of your working lives to studying the impacts of trauma on child development, the Family Court Review is privileged to have this conversation with you. Reflecting on your research and clinical work with families for whom domestic violence has been an issue, what risk factors most concern you about the children involved?

Lieberman: There is no question that when a child witnesses domestic violence, the protective shield that the parent represents for the child is severely damaged, if not shattered, so that the child loses trust in the parent’s capacity to protect. Paradoxically, the child loses trust not only in their fathers, when their fathers are the perpetrators, but also in the mother, who is more often than not the victim of domestic violence. What we have seen in our research with children exposed to domestic violence in the first three years of life is a very complicated set of emotional responses to both their mother and father.

Zeanah: It’s certainly not an uncommon thing to encounter in routine outpatient settings. I would guess somewhere between 40 to 50 percent of children in my clinic are from backgrounds involving family violence and separation. It seems that divorced kids are generally over-represented in the clinical population. Sometimes divorce itself is a background factor, sometimes it’s a foreground factor. Violence is foreground, but children respond to their fright in different ways. Some become very withdrawn, and anxious or sad, or some other various combination of that. And others deal with their fright by becoming aggressive. I do not know that we have a good understanding about why outcomes go one way or the other, but clearly both things happen and can set up long-term problematic trajectories for children. So it’s not just an “in the moment” thing, it sets them on a course that is very difficult.

Lieberman: Yes, absolutely. In situations where their father is the perpetrator and when their father has left, which is a common pattern, we find that the child often blames the mother for their father’s departure and imitates the father’s aggressive behavior, in what we call identification with the aggressor. This pattern of behavior is a survival mechanism that says, “I am like you, you do not need to hurt me, I am doing just what you do.” The aggression is either towards the self or towards the mother. And that becomes a template for how the child is going to be relating to women in intimate relations if the child is a boy, or relating to herself in intimate relations if the child is a girl. But increasingly, as we stay longer

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and longer in the field, we see girls becoming aggressive, both in preschool and childcare, and aggressive towards the mother and the self. Some recent analyses that we have done with data of two and 3-year-olds show no difference in aggression in boys and girls. But among girls, there is much higher propensity to try to make up for conflict by pretending that everything is ok, more of a sense of acquiescence, compliance, self-blame as a way of defusing conflict. That can also be understood at the level of social learning, in the fact that children learn by imitation.

Zeanah: So, there are direct and indirect effects. The direct effects are in witnessing violence or repeated arguments, an interpersonal if not physical conflict that is frightening for kids. And often times, they get pulled into siding with one parent over another parent. Parents in high-conflict relationships often turn and seek to recruit the child to make them feel better, in a way, to have the child become them. It's a difficult business because the child's place with the parent can be very special and vital, but it's as a support and prop for the parent. In these scenarios, the parent's emotional well-being becomes a concern for the child, which is overwhelming for the child on the one hand, and on the other hand, it carves out a special place in the heart of the parent for the child. And then it becomes very hard to treat because there is a lot of resistance on both the child's part and the parent's part because, although it's maladaptive in many ways, it also deals with these pressing attachment needs that each has.

McIntosh: A dependent loyalty?

Lieberman: Right, and compounding the problem is that the mother's perceptions of their child are often colored by the experience of domestic violence. We have heard many cases where the child is perceived as being like the father. This happens particularly with boys, but it also happens with girls. When there is a physical resemblance between the child and father, we have heard many mothers say, "I forget that he's a little boy, he looks just like his father" or "he is an evil seed, just like his father." So we see negative attributions which are often rooted in earlier experiences that the mother has had with other early maltreating attachment figures, which are now being re-generated.

As is widely documented in the attachment literature, we see a great deal of separation anxiety in the child, short to long term, following violence. We have documented tremendous concern by the child for their mother's well-being and safety, taking on a protective role vis-a-vis the mother, and the fear, "will you make me go away, the way you made my father go away?" They are in two terrible binds: first they blame their mother both for not protecting and for having their father go away. Second, they fear the father will come back, and also at some level, they long for the father to come back and be different.

McIntosh: Attachment research, including your own, has taught us a good deal about what it is like for the young child to be in the care of both a frightening parent, and a frightened parent. What are the developmental ramifications and implications for care and custody decisions after separation?

Zeanah: Well, it's not good. The biggest challenge that we have in infant mental health is the direct and indirect effects of violence on these very young children. There are issues about being around parents who are violent and scary and unpredictable from the child's point of view, and likely to fly off the handle. And there are also problems of being cared for by a parent who in themselves is very frightened and traumatized. That creates its own set of problems. Of great concern, it makes it very hard for the child to develop a secure attachment to someone who is embroiled in something like that. It is too hard to separate that kind of intense level of violence and threat of violence from the relationship with the child. It's almost impossible to do that. And so the child gets caught up in being afraid of their parents or being afraid *about* their parents, and they feel like it's their job to protect them and keep them safe.

The struggle that children have in a climate of domestic violence in just feeling safe is immense. There is physical safety, which is "I am not going to be physically harmed." And then there is psychological safety, which is "my world is predictable, my needs are going to be met, people I care about are ok" that sort of thing. The emotional climate and the child feeling fundamentally cared about and protected from uncertainty needs to be on a par with physical safety. There are very good data on that. This is not something that is waiting to be demonstrated. It is very clear that this kind of conflict between parents affects children in a bad way.

IMPLICATIONS FOR FAMILY LAW RESPONSES TO YOUNG CHILDREN IN DOMESTIC VIOLENCE

McIntosh: We have good data now in Australia¹ to show that mothers in court ordered co-parenting arrangements have elevated anxiety and fear about the well-being of their child when there has been a history of violence. You are explaining that the young child does not know where that anxiety comes from; what they experience is a parent who is not as responsive as usual, and that could go on for months or years if unresolved. Are there therapeutic or preventative steps the family law system should consider in these sorts of cases?

Zeanah: Well, I think you pick a parent, and say, I am going to make this attachment relationship the major concern for this child. And everything else is going to be secondary to that. From a fairness perspective, you would say, "So right now, that is the way it's going to be. Over time, we'll see what we can do as the child gets older and better able to tolerate separations and understand what is happening." But if parents are unable to have their conflict at a level that is manageable, and certainly if it involves violence or unresolved trauma, then it's probably not in the child's best interest to be in the middle of something like that. It is a formula for disorganized attachment, which places the child at increased risk for all sorts of trouble later on.

Lieberman: It's a huge question. Again and again, I think that theory cannot make law. Theory can guide legal thinking, but no theory accounts for the multiplicity of influences that are enacted in each particular situation.

McIntosh: I agree that no one theory or body of empirical evidence is sufficient to provide any kind of rule or equation for custody decisions. As much as we would like the answer to be simple, in fact, we have to find a way of being more comfortable with the complexity of the issues, particularly around violence.

Lieberman: Correct. In now fifteen years of work with domestic violence, we have truly found what a complex phenomenon it is. For example, there is a huge difference in how violence is defined. So that, for example, among the women from Mexico and Central America and other traditional cultures, there is a tendency to notify slapping as violence or pushing as violence. And there is often a tendency to think that Americans over-emphasize or pathologize violence.

McIntosh: Although as my colleague, Lawrie Moloney has said, no culture ultimately endorses domestic violence.

Lieberman: I am not condoning violence by any means. But often what we find now in our longitudinal work is that when women from say Central America come here and tell their husbands, "you can't do that to me in the USA," many times the men listen. So it seems as if there are cultural boundaries that are helpful. Cultural boundaries do not help though when there is a character disorder in the perpetrator or when the patterns are so entrenched that there is no remorse, there is only superficial ability to reconnect with one's own suffering and one's suffering is at their core of self-protective mechanisms. It's like "I am being violent when I am feeling most helpless," that kind of mechanism, which by the way attachment theory explains very well. I find that even when people are able to see that connection and able to feel strong emotion in being confronted, it does not mean that it will change. There are times where experiencing feeling, and being aware of their early roots of emotion does nothing to change behavior in the here and now. In those cases, one then has to be very careful about issues of custody because research shows there is a lot of overlap between child abuse and domestic violence. Moreover, when violence with the mother of the child stops because they have separated, there may be violence in front of the child with a new partner.

UTILITY OF ATTACHMENT ASSESSMENT IN FAMILY VIOLENCE

McIntosh: Can attachment assessment help family law professionals to make developmentally sound decisions and better understand the impacts of violence on the developing child?

Lieberman: One of the obstacles towards careful thinking, on a case-by-case basis, is that often, people, including mediators and judges, are not in the best position to make the decisions. There is,

in my experience, a scarcity of evaluators who are well equipped to understand the psychological mechanisms of domestic violence, both as a psychiatric problem and as a parenting problem. Assessments are often quick and superficial because assessors are paid very little when public funds are being used. Attachment assessments on the other hand are of great value clinically, but are lengthy and involve specialist skill in use and interpretation.

Zeanah: True. To get an assessment of an attachment relationship, you need both interactive information of what their behavioral patterns with one another were over time, but also you need to know something about the subjective experience of the parent: how the parent thinks about and experiences this child. These principles of assessment form the framework for the Working Model of the Child Interview.² Like other attachment measures, we have a coding system for that assessment, but for clinical purposes, where you need to get good information through to parents, or to the judge, I think the coding system can get in the way of its clinical usefulness, because you get obsessed with the scores and the classifications and get diverted from thinking about what is important about this information. That is the same for many attachment measures. It's important that people understand the coding systems, but the utility of the resulting categories on their own is not clear to me. The clinical content is what matters.

Lieberman: These trauma and attachment style assessments are specialist assessments that require a great deal of skill and experience, and the ability to interpret observations, and many mental health practitioners do not have that. Yet the utility is unquestionable. Attachment assessment gives us such an insight into the effects of violence on the child. What we need to know is how is the child's attachment behavior organized to this parent in the face of conflict? Many evaluators do not understand that. For example, let's take observation of play. Even if the father or the perpetrator is seen with the child in a play situation, if it does not trigger any responses that are stressful enough to see how the father and child manage conflict or strain, it is not a useful assessment. All you are seeing is that they can play well together in a low stress environment.

McIntosh: I agree. I too often see family court reports that comment on how nicely the parent played with the child, and fail to get into the nooks and crannies of what that child experiences with that parent when the child is in a state of need, and when the parent is not necessarily in a playful state of mind. Attachment assessments do just that—they ensure that what is being observed is the parent-child relationship operating under particular types of stress and strain, as well as giving the dyad the chance to show and experience joy and delight.

Lieberman: Exactly, and this is the type of information a judge needs. We just assessed a case which was fascinating. A very violent father had returned after 2 years and tried to make amends. The mother had talked about wanting her child to have contact with the father. So she was acquiescing and the father was saying, "I want to get to know my child better, I want to be part of child psychotherapy." In this clinic, there was a lot of effort devoted to promoting good benevolent feelings, responsiveness to signals and so on between the father and the boy. We had not planned to do a separation reunion observation at that time, but it happened naturally. The father was out of the room and said to the boy, "I am just out for a little bit, and I'll be right back." He was looking at the child through a one-way mirror, and another family mistakenly knocked on the boy's door to come in. The 4-year-old ran to the door and tried to block it from being opened. It seems as if some of the terror towards the father that was not being manifested in the cozy environment of the play situation had been triggered by an unexpected stimulus having to do with anticipating the father coming back in.

So, the father saw this. We could help him reflect on and acknowledge the fact that he couldn't just come back after a 2-year absence, believing that now he could build things up in the attachment relationship on the basis of his new good intentions alone. He needed to understand that there was a whole accumulation of perceptions on the part of the child, both in terms of the domestic violence that he'd witnessed before age 2 when the father left, and in terms of the anger, fear, resentment about being abandoned by the father for about 2 years, even though he was trying really hard to be a good boy so that the father would not leave again. So this child is really caught, and the court would be really caught, and the mother would be really caught on the question of what is better; for the father to leave again or to help the child and the father contain, examine, acknowledge the range of feelings, with an effort at building a new constructive relationship for the future. What do you think?

McIntosh: That is an extraordinary case example. What you have described is the delicacy with which the assessment needs to occur. The evaluator needs to see the attachment relationship operating, not just the play relationship, which means you need to assess children when they are interacting with parents under conditions of some stress. This premise, first articulated by John Bowlby, is what Mary Ainsworth built the Strange Situation upon. Especially where there has been violence, the clinician in a family law matter needs to understand what has been internalized by the child about the parent's caregiving responses, and what barriers there are in the child and in the parent toward reestablishing an organized attachment. But here's the rub. Currently, the court system in most cases can't intervene with that kind of delicacy, or access the right kind of service to enable and support that level of recovery. And a judge can't order a relationship to recover or a trauma to heal on its own. In an adversarial system, a mother might be blamed for coaching the child, or for being the architect of the child's terror.

Lieberman: What makes it so complicated for us is that we have seen the entire range. We have seen the mother being blamed when she should have been believed. We have seen behavior that was an isolated incident when the father was under a great deal of stress and the mother is using that as a pretext to bar access and to alienate the child. We have also, however, seen situations where over many weeks, we see no evidence of the child's fear, apprehension, or anything out of the ordinary when the child is with the father. When the child is with the mother, things may look different.

McIntosh: It's a complexity that we all live with; finding the child's truth, or some kind of developmental truth amongst all of that, the lived experience of the child within the layers of what is going on in the parents' lives.

Lieberman: What is the developmental truth? Is the developmental truth of the child something that is co-created between the child and the mother, which is what attachment partnerships are? It is the co-creation of meaning between the parent and the child. And if this co-creation of meaning is really colored by convictions, attributions, needs, wishes, and fantasies from the mother, then what are we doing in terms of whatever counterbalancing she can have with a father who in some cases perhaps provides the healthier emotional climate?

Zeanah: Well, I think the developmental perspective is key. I think communicating about what a young child needs and why they need it and why they are different is key. But, you know, I do not know what it's like in Australia, but around here, parents' rights trump children's rights. So I do not know how much my ideas matter. We try to communicate, we feel our role with judges is trying to communicate what the best interest of the child is, and why, this is what we think and this is why we think it. And then it becomes how much that enters into various equations and decision making.

FAMILY VIOLENCE AND PARENTING ARRANGEMENTS

McIntosh: Is this where attachment concepts help with that conundrum? To help determine in what caregiving climate a child might find their best developmental potential?

Lieberman: Attachment theory in itself cannot really give us the whole answer because as soon as you get into significant ambivalences, the question of who is the child attached to, or who is the child more securely attached to, is too general to address the everyday questions of what to do here. Sometimes, the developmental truth of a child is, "This is my reality with my mom, this is my very different reality with my dad, and I need to create a compartmentalization in my sense of self. So, this is me with my mom, this is me with my dad. And I can't afford to let them know who I am with the other one."

McIntosh: What are the implications for the child in making that psycho-emotional journey between the parents? What arrangements can provide the best of what each parent can offer?

Lieberman: Once there is such a distorted sense of circumstances, there is no decision that is not going to exact tremendous consequences on the child. It's as if the judges are trying to do the job that a good parent should really be doing. And I think a judge cannot rescue a child from the parents the child has. I wish there was much less emphasis on adversarial process in divorces, and much more emphasis on having mediators who really knew both parents through intensive individual engagement with each parent. I think judges too feel like the law often stands in the way because the rights of the

parent are so paramount and so, if there is any change in the law, it should be looking to be more child-centric.

McIntosh: What are the red flags for judges and lawyers to recognize a developmental pathway that is acutely at risk in situations of violence between separated parents, to alert them to the need for slowing down and thinking and responding more comprehensively?

Zeanah: Any change from usual functioning in the child. Sleep disturbances are common, regressed behavior, toileting, accidents in kids who have toilet training, aggressive behavior, withdrawn behavior, it's pretty much the gamut of oppositional behavior. Traumatized kids get very testy and defiant, very irritable and easily undone. And sometimes, you do not know until they are in a better situation and you can look back and say "Wow, that was really more about the caregiving environment than it was about the child."

Lieberman: Yes, how symptomatic is the child, is important. How are the developmental milestones? How are they doing at school? Is there a range of affect? Is there playfulness? Is there vivacity? Is there ability to recover from frustration?

Zeanah: What begins as stressful may become harmful because it's a kind of repeated insult if you will. On the other hand, sometimes kids seem to have stressful experiences and they begin to master them and do ok. So that is why I think it's an important question to ask, just because a child has a stressful situation does not necessarily mean it is harmful. But lawyers and others in the system have to be careful not to minimize the child's problems and dismiss things, like "oh that is understandable stress." In fact it might be an indication that the child is really suffering and headed for trouble because of this.

McIntosh: Attachment theory provides some important clues about what is needed from parents to assist a child's recovery from violent trauma: the capacity for taking responsibility for violence, seeing the need for recovery of trust, and the capacity for making developmental repair that is meaningful to the child. So, red flags in the attachment paradigm would be around a parent with unresolved attachment trauma, and, in George and Solomon's language, a distorted, unintegrated state of mind with respect to caregiving in the here and now.

Zeanah: Those are important factors. The kind of clinical questions that I would ask myself are, "How well does this parent understand this child?," "How willing and able are they to place the needs of their child ahead of their own needs?," and "How effectively are they able to respond to what the child needs, and how consistently do they do that?" Do they walk the walk and not just talk the talk? So yes, of course, parents who have disorganized or distorted states of mind with respect to caregiving are going to have trouble with those things, but I am focused on what they are doing and not doing as what really matters, from the child's perspective. If I am talking to the parent about the child, and they can't talk to me about the child, they are talking about the conflict and the battle or whatever, that tells me that they are having a hard time keeping what the child needs in their mind, because the intensity of all these other needs is so great that it squeezes it out, so there is no room for the child. That is someone who's going to have a hard time, in my mind, being what the child needs them to be. Same for the parent who can focus a lot on the child but only in the sense of thinking of the child meeting their needs and doing what they need and being there for them in some way. I like the Circle of Security mantra, about being bigger, stronger, wiser and kind as a parent. That is the capacity you are looking for in parents. That is what I am going after.

Lieberman: Another red flag in terms of parents' personality organization I think is when the judge feels extremely sympathetic to one party, and extremely unsympathetic towards the other party. I think that kind of internal polarization into good and bad is often a sign that those parents might have character disorders that promote splitting, and where they are both buying the soul of the judge, the same way that they are buying the soul of the child. So, that kind of polarization which can be extremely seductive is really a red flag. That is why to have a mental health judicial team, which may take time in the beginning but to prevent the case from going back and back and back with more and more new allegations, would be a good idea.

The other thing, to me, is when a parent invokes separation anxiety or breast-feeding with an older infant as a reason to not give access of the child to the other parent. When there is a strong unjustified mistrust in the father's capacity to love and take care of the child, then to what extent is this a normal

maternal preoccupation that is difficult, or when is it that the mother might be feeling terribly hurt herself by the failure of the romantic relationship at the stage where she really needs support? To what extent is grief being converted into retaliation that deprives the child from the opportunity to say, "I miss my mommy, I cry when I am away from my mommy, but I can also have a good time with my daddy?" There is no way of getting a divorce cost-free. Everybody has a cost.

McIntosh: Can I pick up on your comment about breast-feeding? I am listening now through the ears of a generalist, old school adversarial lawyer, who may jump on that and say, "Terrific, a mother's anxiety is unjustifiable, she should express milk so it's ok then for her infant to regularly go from her for several days with a good supply of expressed milk."

Lieberman: Then I would say if this father has any compassion for his ex-partner or wife, then he may know better than that lawyer, and should not let that happen. I am talking about his compassion in acknowledging that it is absolutely normal and a sign of good mothering that this mother feels protective, that this mother, who carried the baby for nine months and gave birth, feels the need for uninterrupted access to her child. If her infant is away so much, she's going to have a child who is more frustrated with separation, more afraid of separation, more difficult to soothe than if father were to make things easier and try to collate a schedule that works for the two of them. If he wants his child to thrive, the father and his lawyer should be thinking in a collaborative way. Why require something that would tax the child to the maximum and tax the mother to the maximum, so that all the rest of their time is going to be shadowed by this? That would not be good for the father either.

McIntosh: I would like to hear your views on shared time parenting in a very high conflict situation, or one where violence has been or remains an issue.

Zeanah: Certainly in the first three years or four years of life, I think sharing frequent overnights works against both the child and the parents, especially in high conflict or violence situations. In an effort to make all the adults happy, in fact you may not be helping the relationship with the child for either parent. So yes, if it's possible for a particular child to have both parents involved, if they have a low-conflict relationship and if they live in proximity where the child does not get totally disrupted, I would be ok with trying regular overnight care away from the mother. But I would try it on a trial basis because I do not feel like we can predict for an individual child how they are going to tolerate something like that. I can see how that is something that many parents would want to try, although I probably would not try it in the second year, I would for most wait a bit longer.

But, you know, in this crazy thing that we see of kids being shipped back for a week at a time, from one person to the other, driving all these distances to be with one parent or another, the fundamental question is, if you are the young child, and you cannot understand what is going on, then how do you explain that to yourself? What you say is, "for reasons I do not understand, someone comes and picks me up and takes me away, and then I stay there and I do not know how long I stay there, and for reasons I also do not understand, I get taken back, and I am back. And I do not know what is going to happen to me or who's going to be there for me." An infant has no way of making sense of that. The child can't get an appreciation of the bigger picture that the adults are totally focused on. But from the child's perspective, they have to understand "what is happening to me, how does the world work?" Is this the kind of world that comes and takes you away and you do not know why, and separates you from this person who's really important to you and who you need at times when you are distressed? Add a history of violence to that and we have a real mess. It is peculiar, the lack of developmental thinking in the legal system, and it is a huge problem for children. The fact is it's completely, by its nature, un-developmental. So we see the same arrangements ordered for 15-year-olds and 15-month-olds. And that is just on its base crazy.

McIntosh: There seems to be confusion about the violence issue. For example, there is a kind of logic that has run in some family court matters that if the perpetrator has not been directly violent to the children, it is alright to recommend and indeed pursue a shared physical parenting arrangement. Can you comment on that kind of logic?

Zeanah: I would comment if I could understand it. The only data on this subject that I am aware of is the Solomon and George data, which is not a perfect study, but it's certainly a cautionary tale that in the effort to enhance relationship with a father by giving him more time with the young

child, in fact that does not happen, and there may be harm to the relationship between the child and the mother. And so, the younger the child, certainly the less comfortable I would be with that arrangement.

From the young child's perspective, in normal development and especially in circumstances of violence or other trauma, what the child needs is an attachment figure. It is great if the child can have two healthy secure attachments to two caregivers. I think that is terrific. But, especially in the context of trauma, better to have one good solid attachment, than to have two not-so-good-or-solid attachments. It is in my opinion, unrealistic in the context of high conflict divorce to think that the child can have two attachment relationships, a) because contact with one parent necessarily means separation from the other, and b) because you aren't dealing with parents who can sensitively facilitate the meaning of the absence for the child.

You can see where violence and high conflict make things complex because, ideally, to facilitate the development of an attachment to the father, the mother would be present with the father and the young child. Her presence would take separation reactions off the table for the child, then at least they would be comfortable in exploring and developing a relationship with the father. The child has that basic comfort on board, of "ok things are ok because mom's here, so I can check this out and explore." Obviously, that is not how too many divorces work. And that is part of the reason why it's going to be a rare situation when both parents can have a meaningful attachment to a very young child in the context of divorce. I mean my basic position is that, yes, this is a painful and difficult situation, but the adults should be the one bearing the pain, not the child, and the child should be protected from as much of it as possible. And that is the problem; parenting plans are not often constructed with that in mind. It's constructed more often to strike the best balance between these parents' two competing interests.

The other thing I try to emphasize is that it's not necessary for both parents to have attachment relationships with the child in the early years. That can happen later, when the child has more sophisticated abilities to sustain attachment relationships over time and place. Where it is possible, it does make sense for the child to keep contact at the level of comfort and familiarity until they are ready for more. There are many important steps in between knowing a person to being attached to the person. It's not just that you are either attached or you are not attached. You can be comfortable, you can be familiar, you can have a relationship with the person, but not necessarily have that person on your list of attachment figures. In situations of managed conflict between parents, I think that is a perfectly reasonable goal in the context of early childhood where kids are living primarily with one parent, that they just be comfortable and familiar with that other parent.

Lieberman: The other component that comes in is the child's temperament. I know that attachment and temperament are two fields that do not often talk to each other, and it's a real pity. Some children are more able to go with the flow, and I've seen children who adore their fathers and who have a hard time leaving the mom, but who express such joy in their fathers that they can negotiate the absence pretty well. There are other children, other babies, who fall apart, and that is where the adversarial system can come in and says "the mother is making the child do it." That is not the case. So the individual differences in these babies matters. There are temperamental factors that need to be respected. Even babies can negotiate frustration when they are helped to negotiate it, but you also need to know the limits to which they can negotiate frustration.

THE FAMILY COURT AS A SECURE BASE FOR THE CHILD

McIntosh: I imagine that John Bowlby would tell us the family law system needs to operate as a secure base for the child, particularly in cases of domestic violence. That the combined system needs to contain and understand the complexities of what has gone on, and respond as sensitively as possible with the primary goal of increasing the child's attachment security within their family system. How do we do that?

Lieberman: One of the things we have done is to cultivate a very good relationship with Unified Family Court. The judges in the Unified Family Court are extraordinary. They do not always do what

we think is best, but they really are very interested in what we can tell them about the child's emotional experience and their attachment relationships. We developed a parenting treatment called "Co-parenting for situations of domestic violence." The court refers the parents to us, and it's a voluntary referral so they are not forced to come. We have an extensive assessment of the mother, an extensive assessment of the father, with psychological testing, clinical evaluation including attachment observations, five sessions or so in total, including observing the mother and the child, and the father and the child play together. One of their requirements for this treatment is that the mother and the father sign releases of information so that we have complete freedom to talk to one about the other, and if they have them, to talk to the parents' therapists, the parents' probation officer, the parents' lawyers, their employer, so we can really have a full view of who is this parent, and a lethality assessment of this parent to really understand how dangerous is this parent.

McIntosh: Is your work reportable back to court?

Lieberman: Yes, and that is part of the agreement, that our job is to try to help each of you become able to parent this child together. It's to help you recognize that each of you is a parent to the child, and each of you is wanting to claim the child and is afraid of the other, and neither of you nor the court can figure out what is the right thing to do. And then we meet with the mother and the child once a week, and the father and the child once a week. When the mother and the child are together, we feel free to bring into the session what happened in the session with the father and the child, and vice versa. What we try to do is decrease the demonization that each parent has of the other and speak towards how the child feels. Now, this can only be done in cases when there is equal strength on the part of the parents: enough ability to reflect, enough ability to acknowledge that one is being aggressive, that one has frightened the child.

This is no solution, in the sense that it is very time-consuming, and very expensive if we charge the parents (fortunately we have grants to run this program at the moment). But this is what it takes. What we convey to the judges and assist them with is integration in the thinking whenever possible. Also, we have to identify attachment relationships that will not heal. Lenore Terr says that sometimes in traumatized relationships, the only thing that will work is amputation, when you cannot save the limb. There are times when we have to say that this parent is incapable, because the relationship is so toxic. But still this is about helping integration, so the message to the child needs to be "I know you love your daddy, I know you love your mommy, but he/she can't take care of you." Maybe he or she will learn and come back, but in the meantime, your mommy or your daddy will take care of you."

McIntosh: So part of the responsibility of the family law system is to create decisions, plans and support systems that enable an integrated recovery from trauma wherever it's possible. It is also to recognize when that is not possible, and where the most supportive option for the child is cessation of the relationship, at least for some time.

Lieberman: And that can happen with a very likeable parent. That is the part that is so hard for therapists and the legal system to recognize. Particularly in domestic violence, the perpetrating parent can be very compelling as an individual. Charming, often has that element of manipulateness, of sociopathy. But it can also be a poor, victimized, well-meaning, loving parent that just cannot get it right, might be developmentally delayed, might be in socio-economic circumstances that keep immersing the child in instability and violent circumstances and huge risks. The judge thinks, where's the social justice of depriving this parent? And the question is, what is the social justice of inflicting this parents' plight on this child? And many judges are voting with the child, because it's in the child that is our future, and you cannot undo the damage that has happened to the parent in all circumstances. Sometimes we can ameliorate it and help them over time to become better parents, but sometimes we can't, no matter how much sympathy we might have towards the parent. I think we need to be very clear-eyed that our responsibility is with the child.

One recommendation that I would have is for each judge to consider creating a systematic court mental-health collaboration, like the Zero to Three program. If that could be done not just for the zero to three age range, which is the most vulnerable, but also for the zero to adolescence, that would be the right way to go. With cultivation of a relationship between judges and a handful of very well-trained infant and early childhood mental health providers, there can be opportunities for creating

a model. That kind of collaboration will make judges feel less lonely with these very difficult decisions. And we can provide input that allows them to reflect from different facets.

McIntosh: You are describing how crucial it is for the family law system to collaborate effectively around creating a secure developmental base for the child in complex family law matters: this seems integral to their recovery from trauma.

Lieberman: Yes, absolutely.

Zeanah: I have these fantasies about mediation that may not actually be happening. But it strikes me as an opportunity to engage in a process of thinking together about the child's interests, which is really what you want to happen, given yes, there're competing interests, and yes we have to deal with those. But nevertheless, we are now engaged in this process where we are going to do this. So I love therapeutic mediation as an idea, where you would intentionally and consciously, not just try to resolve the pragmatics and specifics, but actually get people to think more reflectively about what the child needs in complex circumstances. Helping them with the developmental perspective is key.

Lieberman: That is why I would like a mediator rather than an adversarial situation, or an integrated court/mental health team in the context of high risk, where one can think with equal compassion, about the father's plight, the mother's plight, but most of all, the child's plight.

McIntosh: Professor Zeanah, Professor Lieberman, thank you.

NOTES

1. Kaspiew et al., 2009.

2. Zeanah, Benoit, & Barton, 1986/1993; Benoit, Parker & Zeanah, 1997.

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