

# IMPACT OF SEPARATION ON FAMILY BONDS



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## **HOW THIS TOPIC CAME ABOUT:**

- **Family Court Cases**
  - **Issues that Came Up During Court**
  - **The seeming conflict between different research articles and factions:**
    - **Whose research article(s) can be trusted?**
    - **There is never a “silver bullet”**
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## EARLY RESEARCH:

Attachment Theories were developed many decades ago and have formed the foundation of policies relating to parenting, child development and custody.

“Repeated experiences of parents reducing uncomfortable emotions (e.g., fear, anxiety, sadness), enabling child to feel soothed and safe when upset, become encoded in implicit memory as expectations and then as mental models or schemata of attachment, which serve to help the child feel an internal sense of a secure base in the world.”

(Siegel, D.)



## EARLY RESEARCH, CONT:



Attachments form when infants come to realize that specific people consistently respond in appropriate and positive ways to their signals, especially their signals of distress. Consistent, appropriate responding creates a sense of trust on the part of those children, and that sense of trust is further reinforced by repeated demonstrations of sensitivity by the adults in other contexts and in response to a variety of both positive (e.g. smiles) and negative (e.g. cries) signals (Lamb, 2018)



# JOHN BOWLBY (1907-1990)

- British Child Psychiatrist & Psychoanalyst.
- He was the first attachment theorist, describing attachment as a "lasting psychological connectedness between human beings".
- Bowlby believed that the earliest bonds formed by children with their caregivers have a tremendous impact that continues throughout life.
- According to Bowlby, attachment also serves to keep the infant close to the mother, thus improving the child's chances of survival.



## **STAGES OF DEVELOPMENT:**

**0-2 months**

**Limited discrimination**

**2-8 months**

**Discrimination with  
limited preference**

**8-12 months**

**Focused attachment**

**12-20 months**

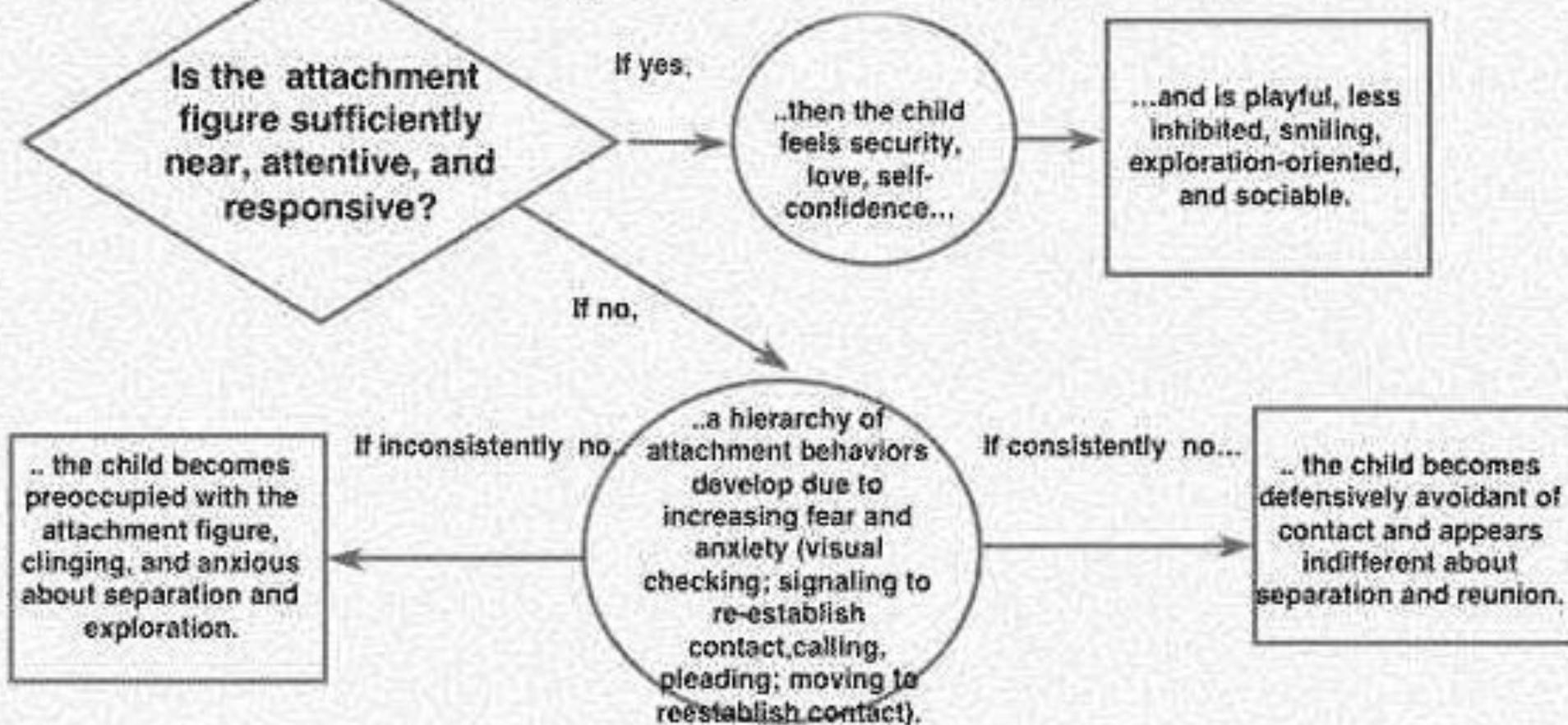
**Secure base**

**20+ months**

**Goal directed  
partnership**

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# The Development of Attachment

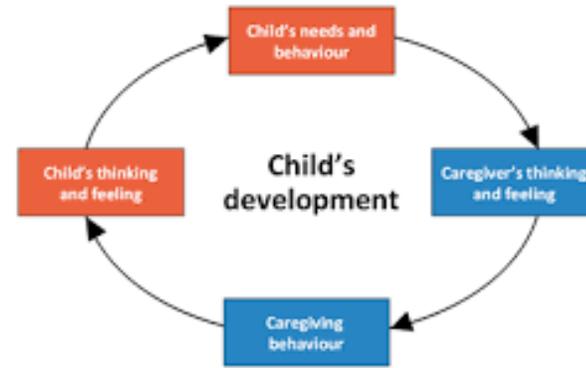


## Types of Infant Attachment

Affects Children's Understanding of the World & Their Future Interactions With Others



## The caregiving cycle



## Cycle of Secure Attachment



## Secure Attachment During the First 5 Years of Life Helps Build



# APPLICATIONS IN FAMILY COURT CASES

Throughout the past 30-40 years, these theories have been applied to Family Court cases, and formed the basis for additional research. As time went by, the research shifted from studying attachment and bonding, to studying the impact on adult behaviors and psychological wellbeing from dysfunctional attachment. Other research areas included factors that could lessen the impact of dysfunctional attachment. These studies were used to formulate policies for custody, visitation and relocation.



# **WHEN RESEARCH HAS AN AGENDA, CAN IT STILL BE TRUSTED? ie RIGHTS OF FATHERS**

- 2007 Journal of Family Psychology
  - Fabricius and Liechen (Arizona State U)
  - The more time children lived with their fathers after divorce, the better their current relationships were with their father, independent of parental conflict (no domestic violence)
  - Did not specify the age of the children at divorce
  - It does highlight the importance of children having time with their father
-

# Watch for Broad Statements that have underlying conditions: Richard A Warshak Psychology, Public Policy and Law, 2014

- A “consensus Report: (110)-not all researchers.
- Two questions:
  - How much of young children’s time should be spent predominantly in the care of the same parent or divided more evenly between both parents.
  - Should children under the age of 4 sleep in the same home every night or spend overnights in both parents’ home.
  - “A broad consensus of accomplished researchers and practitioners agree that, in normal circumstances, the evidence supports shared residential arrangements for children under 4 years of age whose parents live apart from each other.

- **YIKES**



## Watch for Broad Statements that have underlying conditions: William Fabricius, Psychology, Public Policy and Law, 2017

Current studies showed that more overnight parenting time with fathers, up to and including equal numbers of overnights with both parents, when children were toddlers ( 2 years of age), as well as when they were infants (under 1), were associated with more secure relationships with each of their parents during the challenges and uncertainties of emerging adulthood.

In his paper, to support his findings, he quotes the Warshak (2014) article, the same one he provided feedback to.

## Watch for limitations to the research: Fabricius & Suh, 2017



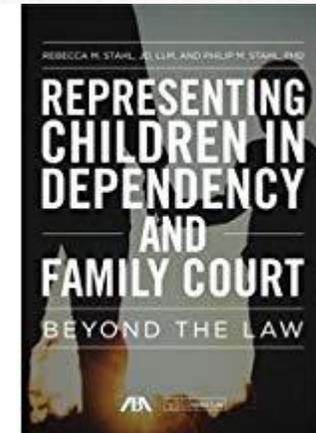
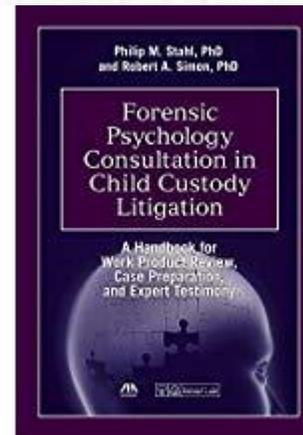
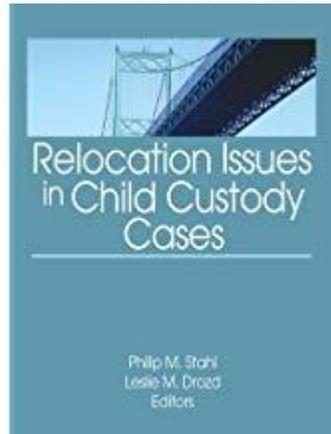
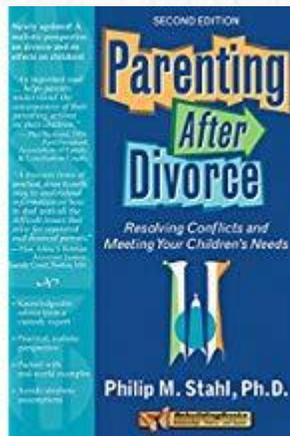
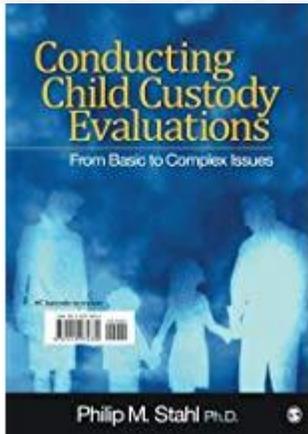
Limited by including only high functioning university students and relatively affluent families



# Personal Correspondence with Philip M. Stahl, Ph. D.:



- “has never met a 50-50 plan he doesn’t like.”
- The bias from the Father’s rights advocacy, interferes with how Fabricius interprets the data.



## Back to Bowlby:

In his later work, Bowlby softened his stance on the concept of monotropy, or the concept that children have an innate capacity to attach to a single primary caregiver. He asserted that it was possible for infants and children to have **multiple figures** for their secure-based attachment.

It has to be factored in, however, that the basics of secure-based attachment **have to be met by all of these figures**.

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## CURRENT THINKING:

As research has progressed, articles can be found to support almost any argument, leaving Family Court professionals wondering which research can be trusted.

Rules of Thumb:

**Don't** “cherrypick” articles to support a particular position, rather look for meta research that compares and contrasts all findings.

**Always** read the limitations section of the article to see how the research was conducted and how the conclusions can be applied

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## INSIDE MY BRAIN – The issues I look at when quoting research:

- ONE STUDY SHOULD NOT MAKE A POLICY.
  - THERE IS DANGER IN THAT ABSTRACT
    - A GOOD STUDY HIGHLIGHTS ITS LIMITS AND CAUTIONS.
    - A GOOD STUDY CITES SPECIAL CIRCUMSTANCES THAT APPLY
    - THE NEW FOCUS IS ON INCLUSIVE SOLUTIONS THAT INCORPORATE ALL BENEFICIAL FINDINGS
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## RESEARCH STUDY LIMITATIONS:

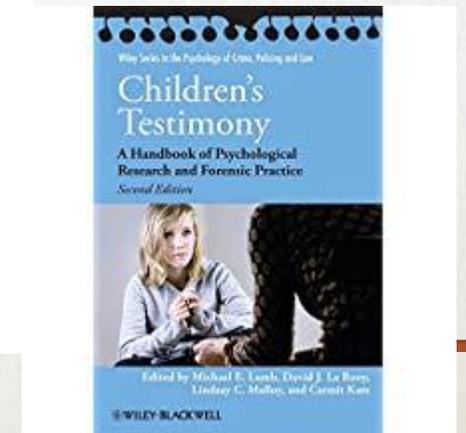
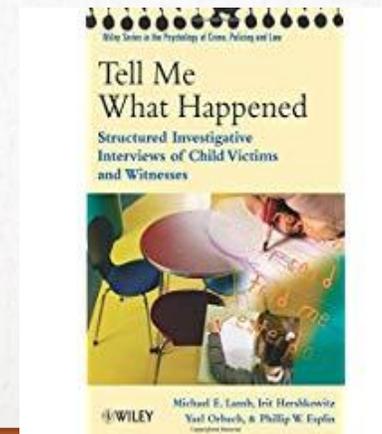
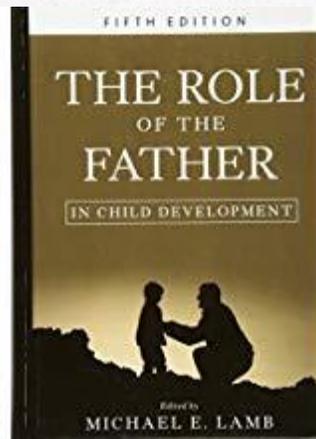
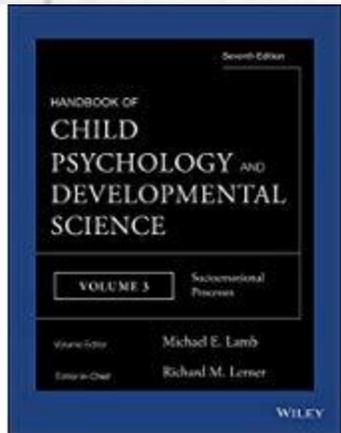
- “The findings do not support policies that would urge parents and courts to generally be cautious about frequent overnight or to begin with few overnights and gradually “step up” to frequent overnights, when there are no extenuating circumstances such as parent mental illness, previous absence from a child’s life {example case}, and so forth.”
  - Always retain discretion, considering the specific details of the relationship.
-

# SPECIAL CIRCUMSTANCES IN CASES AND RESEARCH TO TAKE NOTE OF:

- History of intimate partner violence
  - History or credible risk of neglect
  - History or credible risk of physical abuse
  - History or credible risk of sexual abuse
  - History or credible risk of psychological abuse
  - Manifestations of restrictive gate-keeping
  - History of child abduction
  - A child's special needs ( such as autism)
  - Significant geographic distance between the parents
  - Alienation, agendas
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# Michael E. Lamb, Journal of Child Custody, 2018:

- Consistent with attachment theory, the evidence suggests that children benefit when parenting plans allow them to maintain meaningful and positive relationships with both of their parents.
- It is clear that outcomes are better when children have strong supportive relationships with their parents post-separation and worse when there is continued and intense conflict between the parents.



## PUTTING IT ALL TOGETHER

- USING AN INTEGRATED PSYCHO-DEVELOPMENTAL PERSPECTIVE TO ESTABLISH A DEVELOPMENTALLY SENSITIVE RESOLUTION THAT:
  - 1. PROTECTS BOTH THE VULNERABILITIES OF EARLY CHILDHOOD
  - 2. SUPPORTS LIFELONG PARENT-CHILD RELATIONSHIPS, BOTH NOW AND IN THE FUTURE.
- WE NEED TO RESIST THE URGE TO PRESCRIBE FIXED FORMULAS ABOUT NUMBERS OF OVERNIGHTS OR AGE OF COMMENCEMENT.



# WHAT DOES AN INCLUSIVE SOLUTION LOOK LIKE?

## **AFCC Key Points for the Family Court Community:**

- An integrative perspective suggests that the goals of attachment and early parental (typically paternal) involvement with very young children after separation are **mutually attainable and mutually reinforcing** rather than exclusive choices.
- An optimal goal for the family is a “triadic secure base” developed through a **co-parenting environment that supports the child’s secure attachment** with each parent and the recognition by each parent of the other’s importance to the child.
- Cautions against overnight care during the first three years are not supported. The limited available research substantiates some caution about **higher frequency overnight schedules with young children, particularly when the child’s relationship with a second parent has not been established and/or the parents are in frequent conflict to which the child is exposed.**

# POINTS OF CONSENSUS ABOUT THE DEVELOPMENTAL NEEDS OF YOUNG CHILDREN IN FAMILIES LIVING APART

#1: Early childhood (0–3 years inclusive) is a period critical to subsequent psychosocial and emotional development and is deserving of **special attention** and planning in family law matters.

#2: Across all family structures, healthy development in the young child rests on the capacity of caregivers to protect the child from physical harm and undue stress by being a **consistent, responsive** presence.

#3: Similarly, healthy development rests on the capacity of caregivers to **stimulate and support the child's independent exploration and learning** and to handle the excitement and aggression that accompanies the process of discovery.

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#4: Secure development in this phase requires **multiple supports** to create both **continuity and an expanding caregiving environment** for the young child that includes family, community, educational and cultural connections.

#5: A “both/and” perspective on early attachment formation and joint parental involvement is warranted. The young child needs **early, organized caregiving** from at least one, and most advantageously, more than one available caregiver. An optimal goal is a “**triadic secure base**” constituted by **both parents and the child** as a family system, where a healthy co-parenting environment supports the child’s attachment relationships with each parent and vice versa.

#6: The small group of relevant studies to date substantiates **caution** about **high frequency overnight time schedules in the 0–3 year period**, particularly when the child’s security with a parent is **unformed**, or parents cannot agree on how to share care of the child. Equally true, clinical and theoretical cautions against any overnight care during the first three years have not been supported.

#7: Critical variables in considering readiness for and the likely impact of overnight schedules include **parents’ psychological and social resources**, the current **nature of parental dynamics**—particularly conflict, and the **nature and quality of each parent–child relationship prior to separation**.

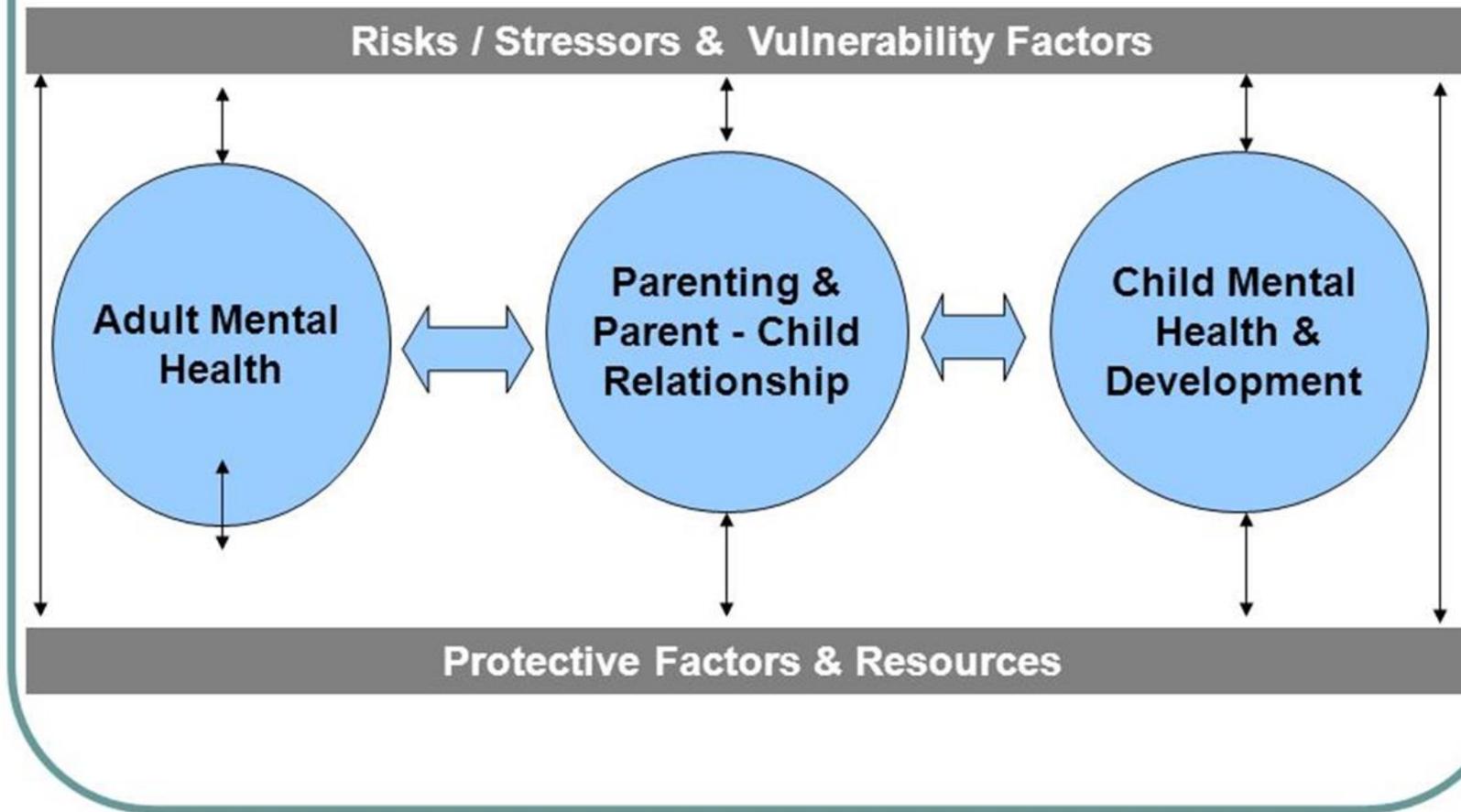


# Considerations for Determining Post-Separation Overnight Care of Children Aged 0 – 3 years:

1. Safety of the child in the parents' care.
  1. Is the child safe in the care of each parent
  2. Parents are safe with each other
2. Child's trust and security with each parent
  1. A continued relationship with the parent
  2. Able to be sooth by the other parent
3. Parent mental health
  1. Sensitivity towards the child
  2. No or well-managed drug and alcohol issues
  3. No or well-managed mental health issues



**THE FAMILY MODEL** – illustrating key components of the links between child & adult mental health



# SITUATIONS THAT MERIT CAUTION:

- Health and development of the child (special needs):
  - The child has significant developmental or medical needs
  - Those needs are not well supported by the parenting plan, or one parent lacks the knowledge or skill to deal with the issue
  - The child is exclusively breast-feeding or will not yet accept a bottle
- Behavioral Adjustment of the Child. Does the child display any of the following:
  - irritability,
  - affective instability
  - excessive clinging on separation
  - frequent crying
  - aggressive behaviors, including self-harm
  - regression in established behaviors
  - low persistence in play and learning

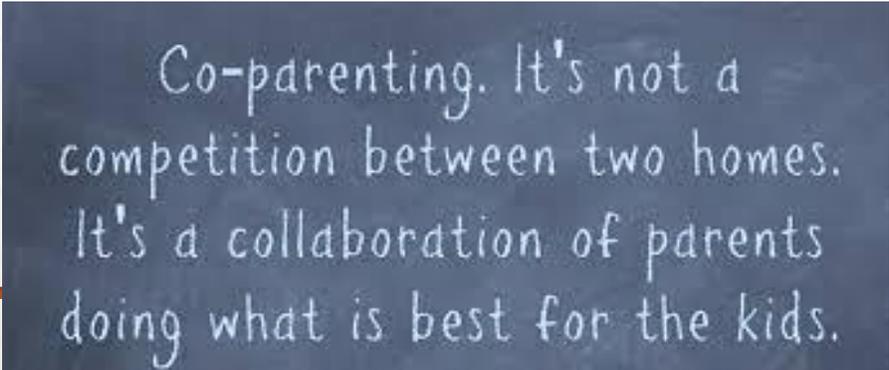


**THE DURATION AND FREQUENCY OF THESE BEHAVIORS DENOTE  
THE SEVERITY OF THE ISSUE**

# FACTORS RELATING TO THE PARENTS:

Do they have a successful co-parenting relationship?

1. They **communicate civilly** about the child
2. They manage conflicts calmly with **negotiation and compromise**
3. They are **consistent with cooperative** with schedules
4. They **understand and promote** the role of the other parent in the child's life
5. They put the **child first** before their own needs
6. They have **low-stress exchanges**
7. They do not place the children in the position of **choosing between the parents**
8. They do not place the children in the position of **reporting** what is going on in the other household



Co-parenting. It's not a competition between two homes. It's a collaboration of parents doing what is best for the kids.

# OTHER FACTORS TO CONSIDER:

Pragmatic Factors – geographic distance, schedules, capability to care for the child

1. When the child is in the home, is the **parent the main caregiver**, not someone else in the household?
2. Do the parents live within a **manageable commute**?
3. When considering child care, the other parent should receive **first consideration**?
4. Are the parents obsessed with **THEIR TIME**, as opposed to being cooperative?

Family Factors – siblings, cultural/religious practices

1. **Coordinate** overnight schedules and activities with siblings
2. Allow **exposure** to other relationships or cultural and religious practices



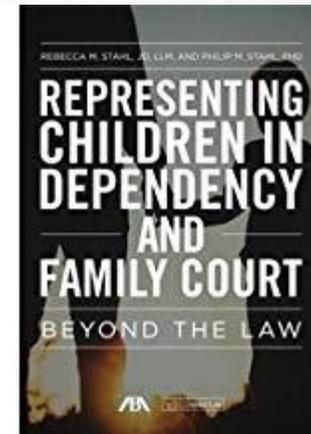
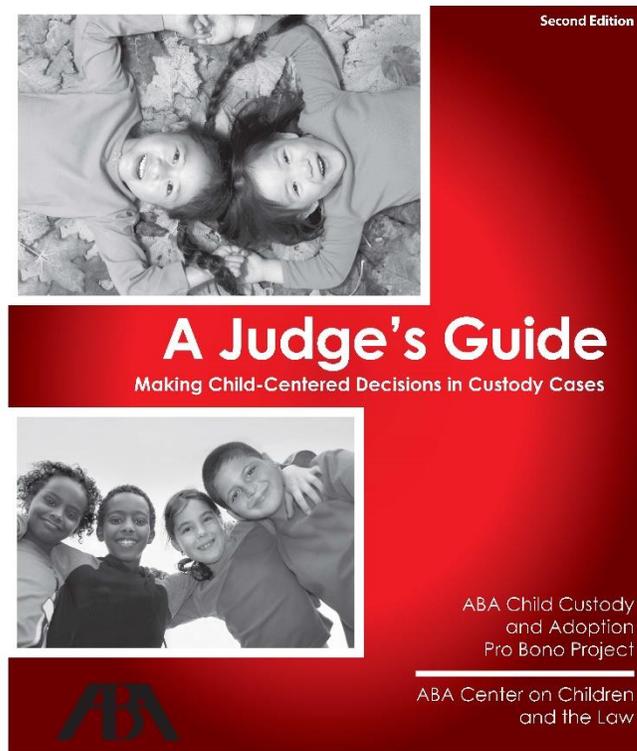
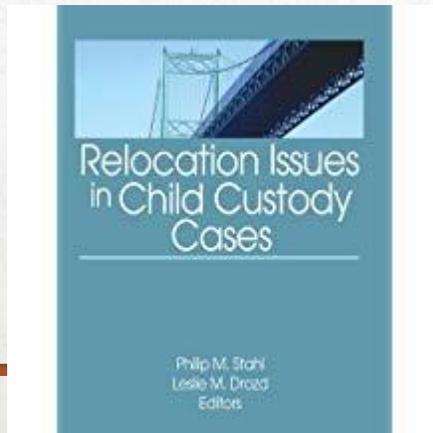
Where do you turn for information you can trust?

The Association of Family and Conciliation Courts formed a “think tank” to develop best practices for use in Family Court cases. This group was formed to avoid polarizing debates and used basic attachment theories and research findings to formulate inclusive solutions for families.



# Where do you turn for information you can trust?

Publications by experts in the field that use a wide spectrum of research findings to support the conclusions, particularly those supported by the ABA, APA, AFCC and other associations.



# CONCLUSIONS:

- There is no clear evidence that overnight experiences have reliably and consistently negative effects on the quality of the children's relationship with their residential parents or on the children's psychological adjustment.
- Positive effects are reaped when children have had the opportunity to develop secure, well-bonded attachment relationships with both parents before separation.
- When this is not the case, overnights with the nonprimary parents would not be indicated until the relationships have been built through opportunities for the two to interact regularly and frequently in a variety of contexts.



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# THANK YOU!!!!!!

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