

# Adler Graduate School Training on Attachment Theory



**ATTACHMENT THEORY (AT) AND CASE LAW:  
A JUDGE'S PERSPECTIVE  
(PRESENTED BY SKYPE)**

**ANTHONY P. WARTNIK, JUDGE (RETIRED)**

# Attachment Disorders



- ◆ Reactive Attachment Disorder (RAD) – DSM-5
- ◆ Other Attachment Theories – Not recognized in DSM-5
  - ◆ Great difficulty getting judges to accept/buy-in
  - ◆ Advocates for Children in Therapy: Opposing Abusive and Unvalidated Psychotherapy, Reactive Attachment Disorder vs. Attachment Disorder
  - ◆ Chaffin, M., Hanson, R., Saunders, B.E., Nichols, T., Barnett, D., Zeanah, C., Berliner, L., Egeland, B., Newman, E., Lyon, T., Le Tourneau, E. and Miller-Perrin, C., Report of the APSAC Task Force on Attachment Therapy, Reactive Attachment Disorder, and Attachment Problems, Child Maltreatment, Vol. 11, No. 1, Feb. 2006.

# Areas of Law



- ◆ Criminal Law
- ◆ Education Law (IDEA)
- ◆ Family Law
- ◆ Child Welfare Law

# Criminal Law



- ◆ No case law identified in which RAD or other attachment theory was an issue in appeals of criminal convictions/sentencing.
- ◆ Numerous studies connecting RAD with criminal behavior, particularly regarding sexual acting out.
  - ◆ Levinson, A. & Fonagy, P., Offending and Attachment: The Relationship between Interpersonal Awareness and Offending in a Prison Population with Psychiatric Disorder (2004)
- ◆ RAD, being a mental disorder per DSM-5 clearly constitutes a mitigating factor in the determination of whether a defendant should be put to death for committing a capital offense and/or for sentencing in non-capital offenses.
- ◆ Anti-social conduct disorder and borderline personality disorder are common co-morbidities/consequences of RAD and are not well received by jurors.

# Education Law



- ◆ IDEA (Federal Law providing educational funding to the States)
  - ◆ Schaffer et ux, et al v. Weast, Superintendent, Montgomery County Public Schools, et al., 546 U.S. 49 (2005)
  - ◆ Jacob Winkelman, a minor, by and through his parents and legal guardians, Jeff and Sandee Winkelman, et al., v. Parma City School District, 550 U.S. 516 (2007)

# Family Law



## ◆ Family Law

- ◆ Woodall, K., Supporting children and their families affected by Parental Alienation - Attachment disorder arising from family separation: not in the best interests of the child, [www.karenwoodall.wordpress.com](http://www.karenwoodall.wordpress.com)
- ◆ Brisch, H.K., Treating Attachment Disorders – (The Guilford Press) 2002
- ◆ Garber, B. (2011) Parental Alienation and the dynamics of the enmeshed child/parent dyad; adultification, parentification and infantilisation – Family Court Review 49(2)

# Family Law (Cont.)



- ◆ Crittenden, P.M., Phd, Assessing Attachment for Family and Children's Court Decision-Making: A protocol for Empirically-based Evidence Regarding Attachment, The IASA Committee on Family Attachment Court Reports (2011)
- ◆ Wilemsen, E. & Marcel, K., Attachment 101 for Attorneys: Implications for Infant Placement Decisions, Santa Clara University

# Child Welfare Law



- Child Welfare Law

- ◆ In reNeveah W., Appeal from the Chancery Court for Shelby County, No. W 2014-01531-COA-R10-CV – Tennessee Court of Appeals (2015)
- ◆ In the Matter of A.J.T., a Minor Child, State ex rel Department of Human Services v. R.T., Sr. and K.D.F., Marion County Circuit Court, J060568, Nos. 010408TAY 1, 010408TAY 2, A140245, Oregon Court of Appeals (2009)
- ◆ Adoption in Child Time: Bonding and the Case for Permanence, Appellate Court Decisions Favoring Bonding, Bonding Book (2010), Attachment Book (2014)



# Contact Information



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