

IN THE SUPREME COURT OF MISSOURI

Appeal No. SC89933

ZACHARY STEPHENS

Petitioner,

v.

BRANDY PETERS,

Respondent.

On Petition for Review from the
St. Charles County Circuit Court, 11th Judicial Circuit
Honorable William E. Alberty

BRIEF OF *AMICI CURIAE*

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ASSOCIATION OF SOCIAL WORKERS MISSOURI CHAPTER**

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INTRODUCTION

The National Association of Social Workers (“NASW”) is the largest membership of professional social workers in the world, with more than 150,000 members. The National Association of Social Workers Missouri Chapter, is the NASW’s state chapter (the “Missouri NASW”). As part of their mission, the NASW and Missouri NASW (together, “*Amici*”) work to advance sound social policies. The *Amici* file this amicus brief in support of Petitioner Zachary Stephens (“Mr. Stephens”). *Amici*’s focus is to inform the Court about social science data that demonstrate how protecting the legal relationship between a *de facto* parent and a child may serve the best interest of the child and best promote the policies underlying Missouri’s parentage laws.

ARGUMENT¹

Many thousands of children across the United States are raised today in what some may label “non-traditional” families. As with the relationship in this case between Mr. Stephens and his child Sydney Stephens (“Sydney”), many such children are being raised and parented by a parent or parents who may not have a biological relationship with them. However, the State of Missouri, like numerous other states, has recognized the fundamental axiom that a parent-child relationship may exist even absent a biological tie. Here, *Amici* urge that this Court should determine whether Mr. Stephens’ should have legal rights as the parent of Sydney based upon what is in her best interests, rather than on whether a biological tie exists.

¹ *Amici* accept and adopt the Statement of the Case, Statement of Questions Presented, and Statement of Facts as set forth in the brief of Plaintiff-Petitioner.

As Mr. Stephens' brief details, Missouri's version of the Uniform Parentage Act, Mo. Rev. Stat. § 210.817 (2009) *et seq.* (the "UPA"), does not require a biological relationship in order to establish legal paternity. Rather, Missouri, like many other states, in resolving such issues has consistently been guided by the "best interest of the child." Below, the Circuit Court misapplied that standard. Its order dismissing Mr. Stephens' Petition for Declaration of Paternity, for Order of Custody and for Order of Child Support (the "Petition") improperly allowed the question of whether a biological tie existed between Mr. Stephens and Sydney to trump the question of whether it was in Sydney's best interest to terminate the loving and caring relationship she had with Mr. Stephens, the man who has been her father throughout her life.

More than two decades of peer-reviewed social science research conclusively establishes the following principles that support Mr. Stephens in this appeal: (1) children form significant attachment bonds to parental figures early in life, bonds that are central to their wellbeing and development; (2) strong parent-child attachments develop regardless of whether there exists a defined legal or biological relationship between parent and child; (3) when a non-biological, non-adoptive parent and a legal parent work together to parent a child, the child will consider both individuals as true parents; and (4) when a child's attachment relationship with any parent is severed – including a non-biological, non-adoptive parent – the child may face significant emotional and psychological harm. These empirical findings demonstrate that the existence of a biological or legal link is not a significant factor in determining the strength, significance, or integrity of the parent-child relationship.

Despite the evidence supporting Mr. Stephens' Petition, the record demonstrates that the Circuit Court mechanically applied Section 210.834, which provides for the dismissal of a paternity petition if a blood test reveals that a "person presumed or alleged to be the father is not the father of such child" Mo. Rev. Stat. § 210.834 (2009) (*See* Judgment of the Eleventh Judicial Circuit, State of Missouri Family Court Division, filed December 29, 2008.) The Circuit Court disregarded that: (a) the Missouri legislature has expressly stated that the State's public policy is to serve the "best interests of the child" (Mo. Rev. Stat. § 452.375.4 (2009)); (b) the Missouri legislature has repeatedly defined the term "parent" to include "the putative father of the child," (Mo. Rev. Stat. §§ 453.015, 454.440, 454.460, 211.442 (2009)); and (c) the UPA specifically limits DNA evidence to merely a presumption (Mo. Rev. Stat. § 210.822 (2009)), while a "signed acknowledgement . . . shall be considered a legal finding" of paternity (Mo. Rev. Stat. § 210.823 (2009)) (emphasis added). Applying these factors here, the Circuit Court not only committed reversible error by denying the Petition, but has now jeopardized Sydney's best interests and subjected both Mr. Stephens and Sydney to potentially irreversible emotional and psychological damage.

I. The Circuit Court Failed To Consider The Best Interests Of The Child

A. Missouri Law Promotes The Best Interests Of The Child.

The Missouri legislature has expressly stated that the public policy of the state is to promote the "best interests of the child." Mo. Rev. Stat. § 452.375.4 (2009). Similarly, Missouri case authority has held that this policy is furthered by recognizing the rights of equitable parents.

Specifically, in *In re T.L.*, No. 953-2340, 1996 WL 393521, at * 1 (Mo. Cir. 1996) (copy attached as Ex. 1), the court adopted the doctrine of “equitable parenthood” in granting custody to a non-biological parent, A.L. There, the non-biological parent, a lesbian, sought custody of a minor child, T.L., even though she was not the child’s biological mother. A.L. had custody of the child from two days after his birth to an unspecified time. The Guardian ad Litem filed a Petition for Declaration of Equitable Adoption of the child by A.L. In granting the petition, the court explained the doctrine of an equitable parent as

an individual who provides for the physical, emotional, and social needs of a child and demonstrates that (1) he had physical custody of the child for an extended period of time, (2) his motive in seeking parental status is his genuine care and concern for the child, and (3) his relationship with the child began with the consent of the child’s legal parent.

Id. at *2 (citing *Alison D. v. Virginia M.*, 572 N.E. 2d 27, 32 (N.Y. App. 1991) and *Allen v. Allen*, 626 P.2d 16, 21 (Wash. App. 1981)).

Significantly, the court found that the non-biological parent and the minor child had “formed a family unit, and in the opinion of the Court, disruption of that stability and continuity by the elimination of contact between A.L. and the minor child will result in actual detriment to the minor child.” *Id.* (emphasis added). Similarly, here, it is uncontested that Mr. Stephens and the child, Sydney, have formed a “family unit,” and that disruption of their relationship will result in “actual detriment” to her.

Moreover, the Missouri Code repeatedly uses definitions of the term “parent” that reaches far more broadly than simply to a biological parent, the sole focus of the Circuit

Court below. For example, for purposes of Chapter 453 proceedings, “parent” is defined to include the “putative father of the child.” “Putative father” is further defined to include the “alleged or presumed father of a child including a person who has filed a notice of intent to claim paternity with the putative father registry . . . and a person who has filed a voluntary acknowledgment of paternity” Mo. Rev. Stat. § 453.015 (2009). Similarly, for purposes of enforcing child support obligations, “parent” includes “a presumed or putative father.” Mo. Rev. Stat. § 454.440 (2009). *See also* Mo. Rev. Stat. §§ 454.460, 211.442 (2009) (where the Missouri legislature defines “parent” to include “presumed” or “putative father”).

Missouri’s expansive definition of the term parent is consistent with the legislature’s decision to designate a blood test result as a mere presumption of parenthood (Mo. Rev. Stat. § 210.822.1(2009)), while designating a signed acknowledgment of paternity as a “legal finding” of parenthood (Mo. Rev. Stat. § 210.822 (2009)). As Mr. Stephens explains in his brief, the Missouri legislature’s choice to give greater evidentiary weight to a written acknowledgment of paternity over a blood test demonstrates its legislative judgment, consistent with the stated public policy, that the determination of parentage should be governed by the best interests of the child, not biology.

B. Other Courts Have Recognized The Rights Of *De Facto* Parents In Order To Promote The Best Interests Of The Child.

Missouri is not alone in recognizing that applying an overly-narrow definition of a parent may cause harm to a child’s healthy development. Many other states also

recognize the concept of a *de facto* or psychological parent. For example, courts in Wisconsin, New Jersey, and Rhode Island have found the existence of parental interests in similar cases, either through the *de facto* parent standard an equivalent standard. *See, e.g., Holtzman v. Knott (In re Custody of H.S.-H.K.)*, 533 N.W.2d 419, 423 (Wis. 1995) (“Lack of love and guidance in the lives of children is a major problem in our society. Does it make any sense for the law to worsen this sad fact by denying a child contact with the one they have come to accept as their parent, especially when it clearly appears to be in the best interest of the child?”) (quoting a Dane County Circuit Court Judge); *V.C. v. M.J.B.*, 748 A.2d 539, 550 (N.J. 2000) (“At the heart of the psychological parent cases is a recognition that children have a strong interest in maintaining the ties that connect them to adults who love and provide for them. That interest, for constitutional as well as social purposes, lies in the emotional bonds that develop between family members as a result of shared daily life.”); *Rubano v. DiCenzo*, 759 A.2d 959, 974 (R.I. 2000).

C. The United States Constitution Recognizes The Rights Of Children And Their *De Facto* Parents.

Not only does Missouri state law protect the rights of *de facto* parents, the United States Constitution also protects these rights. For example, the United States Supreme Court held in *Prince v. Massachusetts* that a parent has a fundamental right to provide care, to maintain custody, and to nurture his or her children. 321 U.S. 158, 166 (1943). Yet the parent in *Prince* was neither the child’s biological nor adoptive mother; instead she was the child’s “custodian” and aunt – a *de facto* parent. *Id.* at 159. Similarly, in *Moore v. City of East Cleveland*, 431 U.S. 494 (1977), the Court found that a relationship

between a grandmother and two grandsons who lived with her was constitutionally protected. 431 U.S. 494, 502 (1977). Likewise, in *Smith v. Organization of Foster Families for Equality and Reform*, the United States Supreme Court recognized that, under some circumstances, constitutionally-protected parental rights extend beyond “natural parents” and foster children may have constitutionally-protected relationships with their foster parents. 431 U.S. 816, 843, 849 (1977). The Supreme Court explained that the parental interests of *de facto* parents are essentially the same and are equally as important as those of legal parents:

[T]he importance of the familial relationship to the individuals involved and to the society, stems from the emotional attachments that derive from the intimacy of daily association, and from the role it plays in ‘promoting a way of life’ through the instruction of children, as well as from the fact of blood relationship. No one would seriously dispute that a deeply loving and interdependent relationship between an adult and a child in his or her care may exist even in the absence of blood relationship.

Id. at 844 (quoting *Wisconsin v. Yoder*, 406 U.S. 205, 231-233 (1972)); *see also Lehr v. Robertson*, 463 U.S. 248, 261 (1983).

D. The Overwhelming Body Of Evidence Establishes That Granting The Petition Is In The Best Interests Of The Child.

The overwhelming weight of the evidence establishes that granting the Petition would be in the best interests of the child. The following facts are undisputed:

- Petitioner lived with the child’s mother shortly after the child’s conception until well after the child’s birth.
- Petitioner was present at the child’s birth.
- The child’s mother repeatedly told the child that Petitioner was her father.

- Petitioner has provided financial support for the child.
- Petitioner has provided affection to and love for the child.
- Petitioner is the only father the child has ever known.
- The alleged biological father, Travis Noble, has indicated that changing the identity of the father may lead to psychological harm to the child.

(Petitioner’s Statement of Uncontroverted Facts at ¶¶ 7, 9, 10,11, 12, 14).

These uncontroverted facts demonstrate beyond doubt that granting the Petition is in the best interests of the child, especially in light of the fact that the child’s purported biological father has repeatedly indicated that he has no interest whatsoever in parenting the child. Therefore, the Circuit Court’s decision should be reversed and the Petition granted.

II. Social Science Research Confirms That, In Appropriate Cases, The Bond Between Children And Their Non-Biological, Non-Adoptive Parents Should Be Protected And Maintained

A. The Formation Of Attachment Bonds Is Critical To A Child’s Healthy Development.

Decades of child development research demonstrates that children form important attachment bonds to parental figures early in life, and that these bonds strengthen and develop as the children grow older. *See, e.g.,* John Bowlby, *Attachment* (2d ed. 1982), 1-3, 177, 265-68; Melvin Konner, *Childhood* (1991), 84-87. Attachment bonds/relationships are the “reciprocal, enduring, emotional, and physical affiliation between a child and a caregiver.” Beverly James, *Handbook for Treatment of Attachment-Trauma Problems in Children* (1994), 2. These bonds are distinguished from other bonds in that they involve the persons with whom “the child seeks security and

comfort.” Jude Cassidy, *The Nature of the Child’s Ties*, in *Handbook of Attachment: Theory, Research and Clinical Applications* (Jude Cassidy & Phillip R. Shriver, eds. 1999), 3, 12. Attachment relationships constitute the most important relationships in the child’s life – “Attachment figures are one’s most trusted companions.” Mary D. Ainsworth, *et al.*, *Patterns of Attachment: A Psychological Study of the Strange Situation* (1978), 20. It is through attachment bonds that “children form their concepts of self, others and the world.” Beverly James, *Handbook for Treatment of Attachment-Trauma Problems in Children* (1994), 2.

Social science and medical research illustrates that attachment relationships have profound neurological effects and are among the major environmental factors shaping children’s brains during the period of maximal growth, creating the central foundation of a child’s development. *See, e.g.*, Daniel J. Siegel, *The Developing Mind: Toward a Neurobiology of Interpersonal Experience* (1999), 67-68, 81-87, 116-120; American Academy of Pediatrics: Committee on Early Childhood, Adoption, and Dependent Care, *Developmental Issues For Young Children in Foster Care* (2000), 106 *Pediatrics* 1145 (stating that “emotional and cognitive disruptions in the early lives of children have the potential to impair brain development”).

These relationships shape the child’s social, emotional, and behavioral development. Specifically, “Attachment to a primary caregiver is essential to the development of emotional security and social conscience.” *Am. Acad. of Pediatrics: Comm. on Early Childhood, Adoption, and Dependent Care, Developmental Issues For Young Children in Foster Care* (2000), 106 *Pediatrics* 1145, 1146. “[W]hat young

children learn, how they react to the events and people around them, and what they expect from themselves and others are deeply affected by their relationships” with their caregivers. Deborah Tharinger & Greg Wells, *An Attachment Perspective on the Developmental Challenges of Gay and Lesbian Adolescents: The Need for Continuity of Caregiving from Family and Schools* (2000), 29 Sch. Psychol. Rev. 158, 164. Secure attachment bonds lead to “the development of self-awareness, social competence, conscience, emotional growth[,and] emotion regulation.” Nat’l Research Council & Inst. of Med., *From Neurons to Neighborhoods: The Science of Early Childhood Development*, (Jack P. Shonkoff & Deborah A. Phillips eds., 2000), 22. These bonds provide children with protection against harm, a sense of emotional security, the ability to cope with stress, increased self-reliance and increased ability to “meet challenges and demands in a flexible manner.” Nat’l Research Council & Inst. of Med., *supra*, at 226; James G. Byrne, *et al.*, *Practitioner Review: The Contribution of Attachment Theory to Child Custody Assessments* (2005), 46 J. of Child Psychol. and Psychiatry, 115, 118.

B. Attachment Relationships Develop Despite The Absence Of A Biological Or Legal Connection Between The Parent And Child.

Attachment bonds develop between the child and a parental figure, regardless of whether the parent and child are biologically or legally linked. *See* Joseph Goldstein, *et al.*, *Beyond the Best Interests of the Child* (2d ed. 1979), 27; *see also* Leslie M. Singer, *et al.*, *Mother-Infant Attachment in Adoptive Families* (1985), 56 Child Dev. 1543, 1550. Attachment bonds are not determined by genetic material or legal papers. Instead these bonds develop from the “provision of physical and emotional care, continuity or

consistency in the child's life, and emotional investment in the child." Nat'l Research Council and Inst. of Med., *supra*, at 234. A child is likely to develop an attachment relationship with any adult who:

on a continuing, day-to-day basis, through interaction, companionship, interplay, and mutuality, fulfills the child's psychological needs for a parent, as well as the child's physical needs. The psychological parent may be a biological, adoptive, foster, or common-law parent² or any other person.

Goldstein, *supra*, at 98.

The science overwhelmingly shows that it is the quality and nature of the interaction between parent and child, not a biological or legal connection, that create and sustain the attachment relationships that so critically impact a child's development. *See* Susanne Bennett, *Is There a Primary Mom? Parental Perceptions of Attachment Bond Hierarchies within Lesbian Adoptive Families* (2003), 20 *Child & Adolescent Soc. Work J.* 159, 161 ("[T]he nature of the interaction . . . is more important than the person's legal or biological tie to the child."); *see also* The American Academy of Pediatrics, *Technical Report: Coparent or Second-Parent Adoption by Same-Sex Parents* (2002), 109 *Pediatrics* 341, 341 (finding that "[c]hildren's optimal development seems to be influenced more by the nature of the relationships and interactions within the family unit than by the particular structural form it takes"); Raymond W. Chan, *et al.*, *Psychosocial Adjustment Among Children Conceived via Donor Insemination by Lesbian and Heterosexual Mothers* (1998), 69 *Child Dev.* 443, 454 ("[O]ur results are consistent with

² The authors use the term "common law parent" to describe someone in Mr. Stephens's position, namely an adult whose parental role developed outside of adoption or biology.

the general hypothesis that children’s well-being is more a function of parenting and relationship processes within the family [than] household composition or demographic factors.”).

Mr. Stephens has engaged in precisely the sort of day-to-day parenting activities that foster a child’s needs, as described above, and in doing so, has developed a bond with Sydney worthy of legal protection.

C. Children Experience Severe Emotional And Psychological Harm When Their Attachment Relationships Are Severed.

Continuity of the parent-child attachment relationship is essential to a child’s healthy development and overall well-being. “[T]he quality of the attachment . . . has profound effects on the child’s social adjustment.” Goldstein, *supra*, at 31-33; *see also* Ana H. Marty, *et al.*, *Supporting Secure Parent-Child Attachments: The Role of the Non-Parental Caregiver* (2005), 175 *Early Childhood Dev. and Care* 271, 274. Secure attachments in childhood are a necessary element to a child’s ability to develop close relationships later in life, as they shape the child’s attachment style, which in turn shapes how the child will form bonds with others. W. Andrew Collins & L. Alan Sroufe, *Capacity for Intimate Relationships: A Developmental Construction*, in *The Development of Romantic Relationships in Adolescence* (Wyndol Furman, *et al.*, eds. 1999), 125, 126-27. Collins & Sroufe found that “security of attachment in infancy strongly predicted preschool characteristics of self-reliance, effective peer relationships (including empathy and affective engagement), and positive relationships with teachers.” *Id.* at 128 (citations omitted). In contrast, children without secure attachment styles “not only were

significantly less competent in all of these respects, but also showed distinctive patterns of maladaptation.” *Id.* at 128.

When a child’s attachment relationship with a parent has been forcibly severed, the psychological impact on the child may be astounding. Children assume that they can depend on both parents, and “[w]hen that assumption proves incorrect, a child may question many other assumptions about the world; for example, whether he or she can count on the availability of any parent.” William Hodges, *Interventions for Children of Divorce: Custody, Access, and Psychotherapy* (2d. ed. 1991), 8-9. When separated from an attachment figure, the child experiences a predictable sequence of four phases: denial, protest, despair, and detachment. Rayford W. Thweatt, *Divorce: Crisis Intervention Guided By Attachment Theory* (1980), 34 *Am. J. of Psychotherapy* 240, 241. Ultimately, children may even “conclude that a parent’s absence is due to their own unlovability. Thus, abandonment by a noncustodial parent is a particularly devastating experience.” Hodges, *supra*, at 8-9.

Breaking an attachment bond can be so traumatizing as to completely change the child’s attachment style, leading to “insecure or avoidant attachment [in future relationships], interference with healthy object relations, and reorganization of cognitive understandings.” Hodges, *supra*, at 8-9. This can have devastating effects for the child, as “attachments buffer young children against the development of serious behavior problems, in part by strengthening the human connections and providing the structure and monitoring that curb violent or aggressive tendencies.” Nat’l Research Council and Inst. of Med., *supra*, at 265.

Thus, in the short-term, severing an attachment may lead to fear/anxiety, aggression, academic problems and elevated psychopathology. Marty, *supra*, at 271, 274; Byrne, *supra*, at 118. Other behavioral difficulties that may develop due to a disrupted attachment include “hiding or hoarding food, excessive eating or drinking, rumination, self-stimulating and repetitive behavior, and sleep disturbance.” Mark Simms, *et al.*, *Health Care Needs of Children in the Foster Care System* (2000), 106 *Pediatrics* 909, 912. The long-term effects of the destruction of a child’s relationship with his caregiver are equally devastating. Severing an attachment bond may result in the child developing an insecure or avoidant attachment style, leading to an inability or a reluctance to trust others in future relationships. Goldstein, *supra*, at 33; Hodges, *supra*; Collins & Sroufe, *supra*. Breaking a strong attachment bond can transform a securely attached child into “[a]n insecurely attached person [who] will anticipate rejection, unpredictability, or even cruelty . . . [e]ven when reality does not indicate these outcomes.” James X. Bemby & Carolyn Ericson, *Therapeutic Termination with the Early Adolescent Who Has Experienced Multiple Losses* (1999), 16 *Child & Adolescent Soc. Work J.* 177, 182-83. *See also* Frank J. Dyer, *Termination of Parental Rights in Light of Attachment Theory: The Case of Kaylee* (2004), 10 *Psychol. Pub. Pol’y & L.* 5, 11 (Numerous empirical findings “provide a solid research basis for predictions of long term harm associated with disrupted attachment [relationships].); *Am. Acad. of Pediatrics: Comm. on Early Childhood, Adoption, and Dependent Care*, *supra*, at 1146 ((finding that interruptions in a child’s care are often detrimental)); Joan B. Kelly & Michael E. Lamb, *Using Child Development Research to Make Appropriate Custody and*

Access Decisions for Young Children (2000), 38 Fam. & Conciliation Courts Rev. 297, 303 (explaining that “there is a substantial literature documenting the adverse effects of disrupted parent-child relationships on children’s development and adjustment”).

Studies of children of divorced parents confirm that these children are at risk of psychological harm if the child is separated from a parent to whom he or she is attached. *See, e.g.,* E. Mavis Hetherington, *et al., What Matters? What Does Not? Five Perspectives on the Association Between Marital Transitions and Children’s Adjustment* (1998), 53 Am. Psychol. 167, 169 (children who do not maintain contact with parents suffer a continuing sense of loss and sadness); Judith Wallerstein & Joan B. Kelly, *Surviving the Breakup: How Children and Parents Cope with Divorce* (1980), 307 (finding that self-image of children from divorced families is “firmly tied to their relationship with both parents” and that children “thought of themselves as children with two parents who had elected to go their separate ways”).

The research demonstrates that the distress experienced by a child upon termination of an attachment figure’s regular and customary role as a parent will occur even where there is no biological or legal connection between parent and child. *See, e.g.,* Yvon Gauthier, *et al., Clinical Application of Attachment Theory in Pregnancy Planning for Children in Foster Care: The Importance of Continuity of Care* (2004), 25 Infant Mental Health J. 379, 394 (explaining that children suffer greatly when separated from non-biological parent figures); Mellisa Holtzman, *Definitions of the Family as an Impetus for Legal Change in Custody Decision Making: Suggestions from an Empirical Case Study* (2006), 31 Law & Soc. Inquiry 1, 2-3 (“[W]here nonbiological attachments already

exist, it is not to the child's benefit to sever either those ties . . . in order to satisfy the demands of exclusive parenthood.”).

D. A Child's Health And Well-Being Is Best Served By Nurturing And Maintaining Parent-Child Attachments.

In light of the importance of the parent-child bond and the primacy of that bond to the overall health and well-being of children, researchers generally agree that children benefit from continued contact with both parents following separation.³ *See, e.g.,* Kelly & Lamb, *supra*, at 303-04; Denise Donnelly & David Finkelhor, *Does Equality in Custody Arrangement Improve Parent-Child Relationship?* (1992), 54 J. Marriage & the Fam. 837, 838 (observing that “one of the most important predictors of child adjustment following divorce appears to be the amount of contact the child has with the out-of-home parents”). Regular participation in routine, everyday activities with the nonresidential parent and frequent interaction with *both* parents in a variety of contexts has been shown to benefit children of separated parents. *See* Michael E. Lamb, *Placing Children's Interests First: Developmentally Appropriate Parenting Plans* (2002), 10 Va. J. of Soc. Pol'y & the Law 98, 103, 113 (noting that “everyday activities promote and maintain trust and confidence in the parents, while deepening and strengthening child-parent attachments, and thus need to be encouraged when decisions about custody and access are made”).

³ The concept that children should have contact with both parents, in appropriate circumstances, is recognized throughout the world. For example, the United Nations Convention on the Rights of the Child specifies that nations “shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.” United Nations General Assembly, Resolution 44/25, November 20, 1989, Article 9 ¶ 3, Convention on the Rights of the Child.

Social science research overwhelmingly shows that the best interests of children are served by protecting and maintaining a child's established attachment relationships. It is critical to children's development, psychological health, and general well-being to foster and promote, rather than destroy, parental attachments, whether or not the parent is legally or biologically related, and whether or not the parents are same-sex or heterosexual. For this reason, any person who meets the state's definition of "parent" must be given the opportunity to establish that a grant of custody or visitation rights in his or her favor would further the best interest of the child.

CONCLUSION

Missouri law recognizes that persons who have established true, fully-developed parent-child relationships may be granted custody and visitation rights when it is in the best interest of the child. More than two decades of social science research confirms that (1) children form significant attachment bonds to parental figures early in life, bonds that are central to the wellbeing and development of the child; (2) strong parent-child attachments develop regardless of whether there exists a defined legal or biological relationship between parent and child; (3) when a non-biological, non-adoptive parent and a legal parent work together to parent a child, the child will consider both individuals as true parents; and (4) when a child's attachment relationship with any parent – including a non-biological, non-adoptive parent – is severed, the emotional and psychological harm to the child can be significant. Such social science data supports that reversing the Circuit Court's decision denying Mr. Stephens' Petition would best serve the best interests of the child here, Sydney Stephens.

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