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## A series of DMM News issues on the IASA Court Protocol

The IASA's 10-Year Celebration was held in Florence, June 2018, hosted in the Institute of Family Therapy directed by Rodolfo de Bernart, co-Chair IASA. Three very intensive days, where founders of the IASA met with old and

new colleagues and many young people from twenty different countries. They represent the future of our association! The scientific level of the presentations was really high, and many participants had the opportunity to present their research and discuss about the clinical and professional application of the DMM (the complete Abstract Book and many slides are available at: <https://www.iasa-dmm.org/slides-abstracts>).

A particularly interesting section of the conference was dedicated to the use of the DMM in the forensic field, and this DMM News is the first in a series on the **IASA Family Attachment Court Protocol** drawn directly from the IASA's 10-Year Celebration. This series, produced by Patricia Crittenden, begins with an overview of the IASA Court Protocol by Andrea Landini and Giuliana Florit. The Court Protocol was accepted by IASA in 2010 and published in 2013 (Crittenden, Farnfield, Landini, & Grey, 2013). Since then it has been used in many court cases in several countries – and refined based on feedback.

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References: Crittenden, P.M., Farnfield, S., Landini, A., & Grey, B. (2013). Assessing attachment for family court decision making. *Journal of Forensic Practice*, 15(4), 237-248. DOI: 10.1108/JFP-08-2012-0002



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## Using the IASA Court Protocol in diverse cases

In this series of DMM News issues, we offer a sampling of recent uses of the IASA Court Protocol. Each has something to teach professionals who work with troubled families. **Look at the end of each article for the 'Take-away Points', then read the article to see how we learned that.**

### Evidence versus clinical opinion.

The strength of the IASA Court Protocol is a life-span series of assessments that yield evidence of family members' attachment. Building a case systematically, from publish papers about the DMM, to assessment results for each family member (often with photographic evidence), to a Family Functional Formulation, and finally answers to the court's questions and recommendations is a very powerful way to help children and their families.

### Abuse, divorce, and sex!

Future issues will look at changing professionals' behavior, child protection, divorce mediation, adoption, sexual and suicidal behavior, surrogate maternity, and releasing child criminals back into the community. All the reports consider danger in the early development of parents and its effect on their current functioning, highlighting information processing about danger more than the event itself.

The authors provide formulations based on the functional meaning of behavior, not on its superficial appearance. The treatment recommendations include both indicated and contra-indicated actions and services. In most cases, the cost of standard reports is compared to the cost of an IASA assessment, together with consideration of the human and financial costs of inappropriate services if the case is not understood adequately. Notably, most uses of the IASA Court Protocol follow repeated failures of business-as-usual to make change. **That's why changing professionals' behavior is so important.**

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Editorial Board: Franco Baldoni (Editor-in-Chief),  
Patricia M. Crittenden, Clark Baim and Andrea Landini



Andrea Landini



Giuliana Florit

## IASA COURT PROTOCOL: What do the courts need from the attachment experts?

Family courts need to understand the meaning of parents and children’s behavior to make good decisions for children.

### From expert opinion to sound evidence.

Judges can find expert *opinions* on attachment hard to understand or evaluate, especially when experts disagree and do not fully articulate the process that shaped their opinions. Consequently, the court might accept an opinion as fact or might even ask a particularly persuasive expert to provide a ready-made decision.

For properly informed decision-making, judges need experts to provide evidence that court authorities can evaluate independently; they also need to know what questions to ask experts. Ideally, these needs would be satisfied by a shared understanding that explains maladaptive and criminal behavior and indicates which interventions can be useful. At present, there is insufficient certainty regarding dangerous behavior for agreement on theory. Consequently, professionals must explain the basis of their observations and conclusions in their reports.

### What attachment can offer courts.

Court authorities frequently ask experts about family members’ attachment. However, questions like “Is there an attachment between the parent and child?” or “Is the child securely attached?” show how incomplete the understanding of attachment theory and research can be. The first question can be answered on the basis



of the history (when young children have lived long enough with caregivers, they become attached); expert opinion is not needed. The second question assumes that security is required for survival and good-enough development – which it is not.

Attachment theory has more potential for courts than has been used until now. When attachment is understood as being *self-protective strategies* and the *information processing that underpins the strategies*, an assessment of attachment can be very useful to court decision-making. An expert in attachment can:

- 1) assess attachment properly (for example, following the guidelines of the IASA Family Attachment Court Protocol)
- 2) write reports transparently, explaining succinctly but fully the process used to interpret behavior and to arrive at answers and recommendations.

### Meaningful assessments of attachment.

Assessing attachment is a specialized task that requires specific training and evidence of competence. Professionals without training and expertise in attachment often answer court questions with their opinion, based on unstructured observations. Without a video or verbatim written record of what was observed, no one else can form an independent opinion, nor decide whether or not the expert’s recommendations have a sound basis. Even when there is a record of the observed behaviors (for example, observed parent-child contact), without a *standardized procedure* to assess attachment, two mistakes can be made: 1) the observed behavior might not show how the individuals normally function; thus, predictions based on it will be faulty; 2) interpretations without a basis in research might be arbitrary. Valid assessments interpreted by reliable experts are not exempt from error, but the level of uncertainty is quantifiable, helping judges to gauge the validity of the conclusions drawn.

### Essential components of court reports on attachment.

Judges and experts can educate each other on the

best way to report about attachment. Courts should ask experts to follow a systematic and transparent procedure that can be understood and questioned even by non-specialists, including the parents. Experts can clarify in their reports the basis for the information they provide. If reports about specific families are explicit about theory and procedure, they can function as general information and education for both court authorities and parents.

The IASA Family Attachment Court Protocol recommends that attachment experts first provide their credentials (especially their certificates of competence in assessing attachment), then clarify the theoretical underpinnings of the assessments, together with their limits, and then explain the functional meaning of behavior in the assessments that they will use. Specifically, the IASA protocol recommends that each report contain four parts:

**Part 1:** General statements about attachment theory and the assessments used in the report (available on the IASA website);

**Part 2:** Descriptions of assessment outcomes for specific individuals (including both the observed behavior and its interpretation);

**Part 3:** A Family Functional Formulation on how the family is organized to protect its members and how each member is likely to respond to specific threats;

**Part 4:** Answers to the court's questions and the recommendations for intervention.

### The need for outcome information.

Often, especially when the risk of harm to children is high, judges require monitoring over time to evaluate the outcomes of their decisions. Sometimes, however, there is no outcome evaluation. This is unfortunate, especially when the decision is based on expert *opinion*, rather than attachment *evidence*. The lack of feedback



can bias courts towards repeating a process that didn't benefit children (see outcomes of foster placement). Using expert opinion rather than evidence of attachment is quick and cheap, but only if one overlooks the costs of human suffering and subsequent services required when court decisions do harm.

### Take-away points.

**Sound evidence about attachment can be gained from valid assessments delivered and interpreted by reliable professionals. Clinical opinion, on the other hand, can mislead courts and harm children.**

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The screenshot shows the IASA website with a navigation menu on the left and a main content area. The main content area features a globe graphic and text about membership. Below the globe, there is a section titled 'Membership in the International Association for the Study of Attachment' with a list of membership fees.

Please support this work and the achievement of IASA's goals by becoming a member or renewing your membership. Join the conversation with IASA on Facebook.

More information on the IASA website: [www.iasa-dmm.org](http://www.iasa-dmm.org).

The website has a section of videos that members can access.

**For information on DMM News manuscript submission, contact: [franco.baldoni@unibo.it](mailto:franco.baldoni@unibo.it)**