

THE IMPORTANCE OF BONDING IN LEGAL DECISIONS AFFECTING FOSTER CHILDREN

An Explanation for Foster Parents

from Adoption in Child Time; www.adoptioninchildtime.org

By Pete and Jim Kenny

BONDING has often been ill-defined. Mental health professionals have been vague and fuzzy, giving opinion rather than data, generalizations rather than facts. As a result, courts and case managers may not have given bonding the critical consideration it deserves.

Bonding must be defined in ways the court can accept and understand. The dictionary defines a bond or attachment as a unique relationship between two people enduring for long periods, even a lifetime.

Bonding and attachment can be still more specifically defined. Time in place is one factual way to measure bonding. In a parent-child setting bonding is likely after three months. Research indicates that this is the length of time that normal human beings take to adjust to a new and/or difficult situation. (see DSM-IV)

Bonding is probable after six months. Normal children will adjust and attach well within this time frame. Indiana regulations for selecting an adoptive home recognize this fact. (Indiana DFC Manual, 804.13)

Bonding is almost certain after one year unless one is dealing with an unbonded or psychopathic child. In such cases the child is not capable of bonding with anyone and the court should recognize the willingness of the foster/adoptive family to make an adoptive commitment to the child.

The behavior of the child is a second way to determine whether bonding has occurred. Observe behaviors in the child: interest and attentiveness, calmness, dependency, pleasure or joy, assertiveness, appropriate protest and anger, and with children over three, self-limit-setting and empathy (Belsky et al, 1988). Bonded children seek to stay close, to maintain proximity. Additional evidence that bonding has taken place is that the child begins to copy some of the adult's mannerisms and habits.

Bonding is reciprocal. The third way to measure bonding is to evaluate the promise expressed by the actual or potential parent. The court should not ignore the commitment being offered by the already-bonded foster/adoptive parent who is willing to say:

“I want you for my forever child. I will always be there for you. As long as I live. Even after you are 18. You won't ever be 'emancipated' from my concern. The poet says, 'Home is the place where when you have to go there, they have to take you in.' When life hits you hard and you need a place to go. When you need money. When you go through a divorce. Or a death. My home is now your home. And when I die, you will have an inheritance.”

The Indiana Department of Family and Children recognizes that bonding is a preeminent issue in minimizing moves and achieving permanence for foster children. The DFC uses specific guidelines to determine whether bonding has occurred: 1) The child identifies as a member of the foster family. 2) The child is perceived to be a member of the foster family by the community: e.g. school, friends, neighbors, extended family members. 3) The child has developed self-reliance and a trust of the foster family while

in their care. 4) The child does not make a significant attempt to attach to another family, including the birth family. (Indiana DFC Manual, 804.13)

Further, in placing a foster child for adoption, the Indiana DFC will give preference to: 1) a foster home placement which has continued for six or more months; 2) a placement in which the child has developed a significant emotional attachment with prospective adoptive parents or foster parents; or 3) to the extent the child is able to do so, the child has expressed a desire or willingness to be adopted by the child's foster parents. (Indiana DFC Manual, 804.13)

The DFC regulations elaborate: The establishment of significant emotional ties between the child and foster parent can be determined by the child's length of placement with the particular foster parents and the child's expressed interest in being adopted. In assessing the appropriateness of proceeding with a foster parent adoption, it is essential to evaluate the child's attachment to the foster parents. It is assumed if foster parents wish to adopt that they have developed a significant tie to the child. Confirmation that this attachment is reciprocal is essential to a successful adoption. (Indiana DFC Manual, 804.13)

Goldstein et al (1973) outline standards to identify the psychological parent, the one to whom the child appears to have most firmly bonded. Children form attachments to adults who regularly meet their physical and emotional needs regardless of biological relationship. The authors believe that, in the child's best interests, the psychological parent should become the primary and permanent caregiver.

Bonded relationships are critical in child development. When a bonded relationship is threatened or severed, trauma results.

Bowlby (1979) speaks most eloquently of the importance of affectional bonds and of the dangers of permanent detachment and the loss of the capacity for intimacy:

Many of the most intense of all human emotions arise during the formation, the maintenance, the disruption, and the renewal of affectional bonds....in terms of subjective experience, the formation of a bond is described as falling in love, maintaining a bond as loving someone and losing a partner as grieving over someone. Similarly, threat of loss arouses anxiety and actual loss causes sorrow; whilst both situations are likely to arouse anger. Finally, the unchallenged maintenance of a bond is experienced as a source of security, and the renewal of a bond as a source of joy.

This material on bonding is excerpted from *The Right to a Permanent Home* (1998), James A. Kenny, Ph.D. and Peter A. Kenny, JD
-the rationale for ACT, INC

Children have a right to a permanent home. Yet foster children move from home to home an average of four to seven times and remain in foster care over three years. Such moves result in further damage to already vulnerable children. They are hurt, feel rejected, learn to distrust, and fail to attach or love. Much more detail about the problem is provided in the ACT booklet: *The Right to a Permanent Home: Stopping Foster Care Drift*. See details in our list of ACT publications.

Society often fails to provide them with a permanent home ever. Many children remain in the foster care system until they are 18 or emancipated. They enter the adult world with no committed or lifelong family to fall back on, no inheritance to look forward to.

The cost of this failure and delay is high. The state's financial price tag is considerable, but the cost to the child is even greater. Crime, mental illness, homelessness, and other serious adult problems are all highly correlated with the lack of stability stemming in good part from foster care drift. Presently, approximately 12,000 Indiana children are wards of the state of Indiana, out of their birth home and in foster care or residential centers.

A wonderful window of opportunity opened in 1997 with the enactment of the federal Adoption and Safe Families Act (November, 1997) and the comparable Indiana legislation (PL35 Mar, 1998). Recognizing that one year is a very long time in the life of a child, this legislation mandates permanence within 12 months.

Permanence can be achieved in two ways. The suggested approach is to work diligently toward reunification for six months. If reunification cannot be accomplished, begin at that point to work with equal diligence toward adoption.

Passing legislation makes permanence within one year possible. It does not guarantee that permanence will happen. Already we have heard lawyers grumbling that it cannot be done and seeking exceptions to the one-year mandate. ACT thinks permanence within one year not only can be done but must be done for the good of the children in care. ACT proposes that we stop being slaves to bureaucratic time or legal time and begin acting in child time. A year is a very long time in the life of a child.

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