

THE NEED TO CAREFULLY SCREEN FOR FAMILY VIOLENCE WHEN PARENTAL ALIENATION IS CLAIMED

BY DANIEL G. SAUNDERS, PH.D. AND KATHLEEN COULBORN FALLER, PH.D.

When a child does not want to visit or live with a parent after divorce or separation, the public and professionals may assume that the other parent has turned the child against the unwanted parent. This behavior is referred to as parental alienation behavior and the outcome as parental alienation. Although some parents may engage in parental alienating behaviors, one review of the scientific literature concluded that “too often in divorce situations all youngsters resisting visits with a parent are improperly labeled ‘alienated’ and too frequently parents who question the value of visitation in these situations are labeled ‘alienating parents.’”¹ This article presents research on the likelihood that family violence, rather than parental alienation, is very often the explanation for the child’s reluctance. It also describes screening procedures for detecting family violence. When family violence is identified, alienation is then considered by social scientists as reasonable on the part of the child and called estrangement. There is also evidence for mixed cases involving both alienation and estrangement.² In contrast to the general agreement that some parents may try to alienate children from the other parent, some specific constructs of parental alienation, namely parent alienation syndrome and parental alienation disorder, are not generally recognized in the legal and mental health communities because they lack scientific validity.³

Research supports the conclusion that children are reluctant to visit or live with a parent for a wide variety of reasons.⁴ For example, the child may be angry at the parent perceived as causing the family to break up, or the child has a normal developmental preference for one parent. An obvious reason, although sometimes difficult to confirm, is the parent’s physical, sexual, or emotional abuse of the child. Rates of child maltreatment in the general population are high, with the majority of parents using corporal punishment, a practice shown to have severe consequences for children.⁵ Even the number of abuse cases reported to professionals and government agencies are high: an estimated 476,000 children were physically abused and 180,500 children were sexually abused in one year in the U.S.⁶ In 2014, the most recent year of national child abuse data available, there were 3.6 million reports to child welfare agencies, representing 6.6 million children.⁷ Surveys of adult survivors of child abuse reveal that these rates are underestimates.⁸

Another reason for a child not wanting contact with a parent is the child witnessing a parent’s abuse of the other parent. Annually, an estimated 15 million U.S. children are exposed to acts of domestic abuse.⁹ Severe emotional harm frequently occurs when the abusive parent exposes the children to violence.¹⁰ Children often experience both child abuse and exposure to abuse of a parent, since half of intimate partner violence (IPV) perpetrators also abuse one of their children.¹¹ In contrast to the high rates of family violence, rates of narcissistic and borderline personality disorders, considered by some as defining characteristics of the alienating parent, occur in approximately 1% (narcissism) to 5% (borderline) of the general population. Although there is no agreed-upon definition of parental alienation, one proponent estimates the incidence of alienated children at 2-4% of divorcing families or 20,000-40,000 children each year nationally.¹²

Screening and Assessment Procedures

For the detection of family violence, which may rule out the existence of parental alienation, custody evaluators and other professionals need training in methods for screening and assessment of family violence. Needed in particular are greater knowledge of violence during separation, and methods for assessing danger and children’s exposure to IPV.¹³ Most custody evaluators in one survey said they inquired about IPV;¹⁴ however, many did not use specialized detection and assessment tools.¹⁵ Detection protocols and instruments are likely to increase the odds of detecting IPV.¹⁶ (For a review of measures for detection and assessment, see Saunders, 2015;¹⁷ guidelines for custody evaluators were published earlier this year by the Association of Family and Conciliation Courts).¹⁸ It is important to realize that IPV may remain hidden after initial screening (for reasons given below),¹⁹ and ongoing screening is needed. The Michigan State Court Administrative Office provides the “Domestic Violence Screening Protocol for Mediators of Domestic Relations Conflict” (2014), including brief versions.²⁰

Evaluators and mediators also need to assess for behaviors that do not involve physical abuse, but that coerce partners into submission and restrict activities and outside contacts, because the effects of these behaviors on the partner go beyond those of physical abuse alone.²¹ Evaluators who attend

to coercive controlling violence in their assessments produce parenting plans with higher levels of safety.²² They are also more likely to recommend custody for IPV victim-mothers.²³ One measure that contains a subscale of coercive controlling behaviors is the "Mediator's Assessment of Safety Issues and Concerns (MASIC)."²⁴ This instrument can be used in a variety of settings.

Formal Reporting of Violence Not Likely to Occur

Unfortunately, most family violence remains hidden. Only a minority of domestic abuse survivors seek help, including calling the police or telling their doctors.²⁵ The abuse often remains undetected in custody cases as well.²⁶ Professionals may fail to ask about abuse or lack the necessary interviewing skills. Even when asked, survivors may be reluctant to report abuse, often fearing retaliation from their abuser or that the report will be used against them in court.²⁷ The widespread non-detection of domestic abuse means that a high proportion of divorcing couples labeled high conflict cases are actually cases of domestic abuse.²⁸

These and other challenges in assessment are highlighted in the new guidelines for custody evaluations for IPV cases from the Association of Family and Conciliation Courts (2016),²⁹ as follows:

- A traumatized party may react or respond unexpectedly to evaluator inquiry.
- Coercive controlling behaviors may exist in the absence of past or recent physical violence.
- A child may deny or minimize violence or react in ways not anticipated by an evaluator.
- A parent subjected to intimate partner violence may engage in protective parenting that is only understood in the context of intimate partner violence (AFCC Guidelines, 2016, p.8).³⁰

Similarly for child maltreatment, even after investigations by child protection agencies, rates of unsubstantiation are over 60%,³¹ which means abuse may still exist but not enough evidence was found. Therefore, a significant information vacuum often exists, presenting a conundrum for decision makers. Thorough attempts to rule out family violence must be made,³² however, they may not be successful. In the words of the American Professional Society on the Abuse of Children: "Professionals need to be mindful that failure to prove interpersonal violence does not prove that violence has not occurred nor that the child has been indoctrinated by the non-accused parent."³³

Suspicious about Family Violence Allegations

As with the general public, professionals may have diffi-

culty believing that family violence occurs at high rates in our society. Family violence clashes with our notion of the family as a peaceful, loving haven. Thus, professionals are sometimes too quick to assume that reports of child and domestic abuse are fabricated by parents, especially in custody disputes. In our research on custody evaluation cases that allege child abuse,³⁴ evaluators estimated much higher rates of false child abuse allegations than research studies show actually exist (for a review of allegations of abuse in custody disputes, see Johnston, Lee, Oleson, & Walters, 2005).³⁵ In addition, our study of judges and custody evaluators showed a strong link between sexist beliefs and the belief that battered women tend to make false allegations of family violence and are trying to alienate their children from the other parent.³⁶ Of greatest concern, we found these beliefs to be linked to recommendations that child custody be awarded to perpetrators of domestic abuse. Evaluators need to take steps to mitigate such forms of bias in the evaluation process.³⁷

A lack of concern about family violence may arise from the assumption that divorce or separation increases safety and may end abuse. In fact, stalking, harassment, and emotional abuse often continue and may increase after separation.³⁸ Survivors' fears are realistic because the risk of intimate partner homicide increases for a period of time following separation.³⁹ Research also shows that many abusers continue harassment and manipulation through legal channels.⁴⁰

Suspicious also arise about the validity of child abuse reports when they are first made around the time of divorce or separation. Such reports might be more likely at this time for a number of reasons. First, the non-abusive parent may become aware of child abuse and decide to leave the marriage and protect the child. Second, the dissolution of the marital relationship may free children to report their sexual, physical, or emotional abuse to the non-abusive parent. Alternatively, parents who have left a problematic marital relationship may be more capable of attending to signs of abuse. Finally, the lack of family structure and emotional distress associated with marital dissolution may increase risk, especially for sexual abuse.⁴¹

Interventions for Parental Alienation

Due to the difficulty in ruling out family violence and the chance of bias in response to abuse reports, interventions for supposed parental alienation must proceed with extreme caution. Furthermore, despite claims of success, reunification programs for rebuilding the bond between children and the rejected parent thus far have very weak scientific backing.⁴² Fewer than 10 programs have been evaluated and weak study designs preclude any firm conclusions about their effectiveness.

Of particular concern are programs that may recommend a change of custody to a supposed rejected or "targeted parent," or prolonged temporary custody to the targeted parent

during reunification programs. The risk of error is extremely serious since the targeted parent may actually be an abuser who is misusing the children in what has been called domestic abuse by proxy. The so-called "alienating parent" may be protecting the children and voicing serious concerns about past and current abuse and about co-parenting with the abusive parent. One study found that IPV abusers were more likely than their partners to engage in alienating behaviors such as demeaning the children's mother; there was no evidence that victims of IPV alienated their children.⁴³ Abusers usually show no violent traits to professionals, are likely to have personality disorders, and are skilled at hiding emotional and behavioral problems.⁴⁴ Their allegations of parental alienation may be designed to negate the reports of abuse coming from the children and their ex-partners.

In conclusion, attorneys and other professionals need to be acquainted with and be able to conduct screening for family violence. Attorneys and judges also need to carefully determine the qualifications of child custody evaluators. Extensive training in IPV is a major criterion. A relative lack of bias is also important,⁴⁵ including bias or misinformation shown by evaluators' uncritical use of parent alienation and the assumption that reports of abuse in custody disputes are likely to be false. For the best interests of the children, professionals need to be open to the possibility of many explanations for a child's behavior, to diligently investigate each possibility, and to focus in particular on the widespread, serious problem of family violence.

About the Authors

Daniel Saunders, Ph.D., Professor at the University of Michigan School of Social Work, focuses his research, service, training of professionals, and graduate student teaching on the problems of dating and domestic violence. He has authored or co-authored over 80 publications on these topics. His research has been supported with major grants from the National Institute of Mental Health, U.S. Department of Justice, and the Centers for Disease Control. Professor Saunders has also testified as an expert witness in cases of intimate partner homicide and child custody.

Kathleen Coulborn Faller, Ph.D., A.C.S.W., D.C.S.W., is the Marion Elizabeth Blue Professor Emerita of Social Work at the University of Michigan and is Co-Director of the Family Assessment Clinic at Catholic Social Services of Washtenaw County, Michigan. She is involved in research, clinical work, teaching, training, and writing in the area of child welfare, child sexual abuse, and the child welfare workforce. She is the author, editor, or co-editor of 10 books and has published approximately 100 research and clinical articles.

Endnotes

- 1 Janet R. Johnston, "Children of Divorce Who Reject a Parent and Refuse Visitation: Recent Research and Social Policy Implications for the Alienated Child," *Family Law Quarterly* 38, no. 4 (2005): 762.

41 YEARS IN PUBLIC ACCOUNTING

Barry Grant, CPA|CFF

Certified Public Accountant | Certified in Financial Forensics

AFFORDABLE BUSINESS VALUATION

**Court-Appointed in Wayne and Oakland Family Courts
Divorce, Financial, and Tax Consulting
Forensic Accounting
Asset Tracing**

The retired Honorable Gene Schnelz states: "He has a high sense of ethics coupled with personal integrity. From past performance with my Court, I know that he is both tenacious and thorough in conducting an accounting and business valuation."

28831 Telegraph Road, Southfield, MI 48034

248.355.4479

www.barrygrantcpa.com • barry@barrygrantcpa.com

- 2 Barbara Jo Fidler, Nicholas C. Bala, and Michael A. Saini, *Children Who Resist Post-separation Parental Contact: A Differential Approach for Legal and Mental Health Professionals* (New York: Oxford University Press, 2013).
- 3 Michael Saini et al., "Empirical Studies of Alienation," In Leslie Drozd and Kathryn Kuehnle, eds., *Applied Research for the Family Court Parenting Plan Evaluations* (New York: Oxford University Press 2012), 399-441, doi:10.1093/med:psych/9780199754021.003.0013.
- 4 Fidler et al., 2012; Joan B. Kelly and Janet R. Johnston, "The Alienated Child: A Reformulation of Parental Alienation Syndrome," *Family Court Review* 39, no. 3 (2005): 249 – 266.
- 5 Elizabeth T. Gershoff and Andrew Grogan-Kaylor, "Spanking and Child Outcomes: Old Controversies and New Meta-Analyses," *Journal of Family Psychology* (2016), doi:10.1037/fam0000191.
- 6 U.S. Department of Health and Human Services, Administration for Children and Families, "Fourth National Incidence Study of Child Abuse and Neglect (NIS-4)," by Andrew J. Sedlak, Jane Mettenburg, Monica Basena, Ian Petta, Karla McPherson, Angela Greene, and Spencer Li (Washington, DC.: Report to Congress, 2010).
- 7 U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau, "Child Maltreatment 2014." Accessed April 20, 2016 at <http://www.acf.hhs.gov/programs/cb/resource/child-maltreatment-2014>.
- 8 John Briere and Dana M. Elliott, "Prevalence and Psychological Sequelae of Self-reported Childhood Physical and Sexual Abuse in a General Population Sample of Men and Women," *Child Abuse & Neglect* 27, no. 10 (2003): 1205-1222, doi:10.1016/j.chiabu.2003.09.008; Lewis R. Goldberg and Jennifer J. Freyd, "Self-reports of Potentially Traumatic Experiences in an Adult Community Sample: Gender Differences and Test-retest Stabilities of the Items in a Brief Betrayal-trauma Survey," *Journal of Trauma & Dissociation*, 7 no. 3 (2006): 39-63, doi:10.1300/J229v07n03_04.
- 9 Renee McDonald et al., "Estimating the Number of American Children Living in Partner-violent Families," *Journal of Family Psychology* 20, no. 1 (2006): 137.
- 10 Corrie A. Davies, Sarah E. Evans, and David K. DiLillo, "Exposure to Domestic Violence: A Meta-analysis of Child and Adolescent Outcomes," *Aggression and Violent Behavior* 13, no. 2 (2008): 131-140; Shanta R. Dube et al., "Exposure to Abuse, Neglect, and Household Dysfunction Among Adults who Witnessed Intimate Partner Violence as Children," *Violence and Victims* 17, no. 1 (2002): 3–17.
- 11 Murray A. Straus, "Ordinary Violence, Child Abuse, and Wife Beating: What Do They Have in Common?," In David Finkelhor et al., eds., *The Dark Side of Families: Current Family Violence Research* (Newbury Park, CA: Sage Publications 1983), 213-234.
- 12 Richard A. Warshak, "Ten Parental Alienation Fallacies that Compromise Decisions in Court and in Therapy," *Professional Psychology: Research and Practice* 46, no. 4 (2015): 235-249.
- 13 Clare Dalton, Leslie M. Drozd, and Frances Q. F. Wong, *Navigating Custody and Visitation Evaluations in Cases with Domestic Violence: A Judge's Guide* (Reno, NV: National Council of Juvenile and Family Court Judges, 2006); Daniel G. Saunders, Kathleen C. Faller, and Richard M. Tolman, *Child Custody Evaluators' Beliefs About Domestic Abuse Allegations: Their Relationship to Evaluator Demographics, Background, Domestic Violence Knowledge and Custody-Visitation Recommendations* (Final Technical Report Submitted to the National Institute of Justice, U.S. Department of Justice, 2011), <http://www.ncjrs.gov/pdffiles1/nij/grants/238891.pdf>.
- 14 Saunders et al., "Child Custody Evaluators' Beliefs About Domestic Abuse Allegations" (Final Technical Report Submitted to the National Institute of Justice, U.S. Department of Justice October 31, 2011).
- 15 Saunders et al., 2011; James N. Bow and Paul Boxer, "Assessing Allegations of Domestic Violence in Child Custody Evaluations," *Journal of Interpersonal Violence* 18, no. 12 (2003): 1394–1410.
- 16 Robin H. Ballard et al., "Detecting Intimate Partner Violence in Family and Divorce Mediation: A Randomized Trial of Intimate Partner Violence Screening," *Psychology, Public Policy, and Law* 17, no. 2 (2011): 241–263, doi:10.1037/a0022616; Randy H. Magen et al., "Identifying Domestic Violence in Child Abuse and Neglect Investigations," *Journal of Interpersonal Violence* 16, no. 6 (2001): 580–601, doi:10.1177=088626001016006006.
- 17 Daniel G. Saunders, "Research Based Recommendations for Child Custody Evaluation Practices and Policies in Cases of Intimate Partner Violence," *Journal of Child Custody* 12, no. 1 (2015):71-92, DOI: 10.1080/15379418.2015.1037052.
- 18 Association of Family and Conciliation Courts, (2016), *Guidelines for Intimate Partner Violence: A Supplement to the AFCC Model Standards of Practice for Child Custody Evaluation*, <http://www.afccnet.org/Resource-Center/Practice-Guidelines-and-Standards>.
- 19 Nancy Ver Steegh, Gabrielle Davis, and Loretta Frederick, "Look Before You Leap: Court System Triage of Family Law Cases Involving Intimate Partner Violence" *Marquette Law Review* 95, no. 3 (2012): 955–990. Retrieved from <http://scholarship.law.marquette.edu/multivol95/iss3/11>.
- 20 Office of Dispute Resolution State Court Administrative, Office Michigan Supreme Court, (June 2014), *Domestic Violence Screening Protocol for Mediators of Domestic Relations Conflicts: Abbreviated Domestic Violence Screening Questionnaires*, <http://courts.mi.gov/Administration/SCAO/Resources/Documents/standards/adv/Domestic%20Violence%20Screening%20Protocol%20%28abbreviated%29.pdf>.
- 21 AFCC, (2016); Connie J. A. Beck and Chitra Raghavan, "Intimate Partner Abuse Screening in Custody Mediation: The Importance of Assessing Coercive Control," *Family Court Review* 48, no. 3 (2010): 555–565, doi:10.1111=j.1744-1617.2010.01329.x.
- 22 Michael S. Davis et al., *Custody Evaluations When There are Allegations of Domestic Violence: Practices, Beliefs and Recommendations of Professional Evaluators* (Final Report submitted to the

- National Institute of Justice, November 29, 2010). Available at: <https://www.ncjrs.gov/pdffiles1/nij/grants/234465.pdf>.
- 23 Saunders et al., (2011).
 - 24 Amy Holtzworth-Munroe, Connie J. A. Beck, and Amy G. Applegate, "The Mediator's Assessment of Safety Issues and Concerns (MASIC): A Screening Interview for Intimate Partner Violence and Abuse Available in the Public Domain," *Family Court Review* 48, no. 4 (2010): 646-662, doi:10.1111=j.1744-1617.2010.001339.x.
 - 25 Betty Jo Barrett and Melissa St. Pierre, "Variations in Women's Help Seeking in Response to Intimate Partner Violence: Findings from a Canadian Population-based Study," *Violence Against Women* 17, no. 1 (2011): 47-70; Glenda Kaufman Kantor and Murray A. Straus, "Response of Victims and the Police to Assaults on Wives," in *Physical Violence in American Families: Risk Factors and Adaptations to Violence in 8, 145 Families*, 473-487 (New Brunswick, NJ: Transaction Publishers, 1990); Patricia Tjaden and Nancy Thoennes, *Full Report of the Prevalence, Incidence, and Consequences of Violence Against Women* (Findings from the National Violence Against Women Survey, NCJ, 183781, 2000).
 - 26 See for example: Davis et al., (2010); Nancy E. Johnson, Dennis P. Saccuzzo, and Wendy J. Koen, "Child Custody Mediation in Cases of Domestic Violence: Empirical Evidence of a Failure to Protect," *Violence Against Women* 11, no. 8 (2005): 1022; Mary A. Kernic et al., "Children in the Crossfire: Child Custody Determinations Among Couples with a History of Intimate Partner Violence," *Violence Against Women* 11, no. 8 (2005): 991.
 - 27 Chris S. O'Sullivan, "Estimating the Population at Risk for Violence During Child Visitation," *Domestic Violence Report* 5, no. 5 (2000): 65; Dennis P. Saccuzzo and Nancy E. Johnson, "Child Custody Mediation's Failure to Protect: Why Should the Criminal Justice System Care?" *National Institute of Justice Journal* 251, (2004): 1-30; Voices of Women, (2008).
 - 28 Peter G. Jaffe, Claire V. Crooks, and Samantha E. Poisson, "Common Misconceptions in Addressing Domestic Violence in Child Custody Disputes," *Juvenile and Family Court Journal* 54, no. 4 (2003): 57-67; Janet R. Johnston, Marjorie Walters, and Nancy W. Olesen, (2005); "The Psychological Functioning of Alienated Children in Custody Disputing Families: An Exploratory Study," *American Journal of Forensic Psychology* 23, no. 3 (2005): 39.
 - 29 AFCC, (2016) <http://www.afccnet.org/Resource-Center/Practice-Guidelines-and-Standards>.
 - 30 AFCC, (2016): 8.
 - 31 U.S. Department of Health and Human Services, (2014), <http://www.acf.hhs.gov/programs/cbl/resources/child-maltreatment-2014>.
 - 32 Pamela S. Ludolph and James N. Bow, "Complex Alienation Dynamics and Very Young Children," *Journal of Child Custody* 9, no. 3 (2012): 153-178.
 - 33 American Professional Society on the Abuse of Children, (2016), *APSAC Position Paper on Allegations of Child Maltreatment and Intimate Partner Violence in Divorce/Parental Relationship Dissolution*, p. 9. Available at <http://www.apsac.org/assets/documents/apsac%20position%20paper--revised%2013.pdf>.
 - 34 Saunders et al., (2011).
 - 35 Janet R. Johnston et al., "Allegations and Substantiations of Abuse in Custody Disputing Families," *Family Court Review* 43, no. 2 (2005): 284.
 - 36 Saunders et.al., (2011); Daniel G. Saunders, Richard M. Tolman, and Kathleen C. Faller, "Factors Associated with Child Custody Evaluators' Recommendations in Cases of Intimate Partner Violence," *Journal of Family Psychology* 27, no. 3 (2013): 473.
 - 37 AFCC, (2016); Leslie M. Drozd, Nancy W. Olesen, and Michael A. Saini, *Parenting Plan and Child Custody Evaluations: Increasing Competence and Preventing Avoidable Errors* (Sarasota, FL: Professional Resource Press, 2013).
 - 38 For example: Walter S. DeKeseredy and Martin D. Schwartz, *Dangerous Exits: Escaping Abusive Relationships in Rural America* (New Brunswick, NJ: Rutgers University Press, 2009); Tjaden and Thoennes, 2000; Laurel B. Watson and Julie R. Ancis, "Power and Control in the Legal System from Marriage/Relationship to Divorce and Custody," *Violence Against Women* 19, no. 2 (2013):166-186.
 - 39 Daniel G. Saunders and Angela Browne, "Intimate Partner Homicide," in Robert T. Ammerman and Michel Hersen, eds., *Case Studies in Family Violence*, 2nd Ed., (New York: Plenum, 2000).
 - 40 Jennifer Hardesty and Lawrence H. Ganong, "How Women Make Custody Decisions and Manage Co-parenting with Abusive Former Husbands," *Journal of Social and Personal Relationships* 23, no. 4 (2006): 543; Brittany E. Hayes, "Abusive Men's Indirect Control of Their Partner During the Process of Separation," *Journal of Family Violence* 27 (2012): 333-344, doi:10.1007/s10896-012-9428-2; Peter G. Jaffe, Nancy K. D. Lemon, and Samantha Poisson, *Child Custody and Domestic Violence: A Call for Safety and Accountability* (Thousand Oaks, CA: SAGE Publications, 2003).
 - 41 Kathleen C. Faller, "Sexual Abuse Allegations in Divorce," In K.C. Faller, *Understanding and Assessing Child Sexual Maltreatment*, 2nd Ed. (Thousand Oaks, CA: Sage Publications, 2003), 237-270.
 - 42 Saini et al., (2016).
 - 43 Janet R. Johnston, Marjorie G. Walters, and Nancy W. Olesen, "Is it Alienating Parenting, Role Reversal or Child Abuse? A Study of Children's Rejection of a Parent in Child Custody Disputes," *Journal of Emotional Abuse* 5, no. 4 (2005): 191-218.
 - 44 Daniel G. Saunders, *Child Custody and Visitation Decisions in Domestic Violence Cases: Legal Trends, Risk Factors, and Safety Concerns* (Minneapolis, MN: VAWnet: National Resource Center on Domestic Violence, 2007). Retrieved from: http://new.vawnet.org/category/Main_Doc.php?docid=1134.
 - 45 Susan L. Keilitz et al., *Domestic Violence and Child Custody Disputes: A Resource Handbook for Judges and Court Managers* (Williamsburg, VA: National Center for State Courts, 1997).

the 1990s, the number of people with a mental health problem has increased in the UK (Mental Health Act 1983).

There is a growing awareness of the need to improve the lives of people with mental health problems. The Department of Health (1999) has set out a strategy for mental health care in the UK. The strategy is based on the following principles:

- People with mental health problems should be treated as individuals.
- People with mental health problems should be given the opportunity to participate in decisions about their care.
- People with mental health problems should be given the opportunity to live in their own homes.
- People with mental health problems should be given the opportunity to work and to contribute to society.

The strategy is based on the following principles: people with mental health problems should be treated as individuals.

People with mental health problems should be given the opportunity to participate in decisions about their care.

People with mental health problems should be given the opportunity to live in their own homes.

People with mental health problems should be given the opportunity to work and to contribute to society.

The strategy is based on the following principles: people with mental health problems should be treated as individuals.

People with mental health problems should be given the opportunity to participate in decisions about their care.

People with mental health problems should be given the opportunity to live in their own homes.

People with mental health problems should be given the opportunity to work and to contribute to society.

The strategy is based on the following principles: people with mental health problems should be treated as individuals.

People with mental health problems should be given the opportunity to participate in decisions about their care.

People with mental health problems should be given the opportunity to live in their own homes.

People with mental health problems should be given the opportunity to work and to contribute to society.

Parental Alienation Syndrome and Parental Alienation: A Research Review

Joan S. Meier

The willingness to pathologize capable mothers even extends to mothers' "warm, involved" parenting -- which they assert can powerfully fuel alienation in a child (Johnson et al., 2005, p. 208; Kelly and Johnston, 2001). Such discussions are more than sufficient to ensure that whenever a mother and child have ambivalence about the children's father, and certainly in most cases where mothers allege abuse, virtually any loving parenting by the mother can be labeled a form of "alienation."

Applied Research papers synthesize and interpret current research on violence against women, offering a review of the literature and implications for policy and practice.

VAWnet is a project of the
National Resource Center on
Domestic Violence.

Parental alienation syndrome (PAS) and parental alienation (PA) are often invoked in legal and legislative contexts addressing the rights of fathers and mothers in custody or visitation litigation. Indeed, alienation claims have become ubiquitous in custody cases where domestic violence or child abuse is alleged, as grounds to reject mothers' requests to limit paternal access to their children. This paper provides a historical and research overview of PAS and PA, identifies strategic issues for advocates working with abused women and children,* and offers guidelines to improve courts' treatment of these issues. While PAS and PA have much in common both as theories and with respect to how they are used in court, they have distinct scientific and research bases and critiques. This paper, therefore, addresses them separately.

Parental Alienation Syndrome

Historical Background

The notion of children's hostility to one parent in the context of divorce was first characterized as a pathology by divorce researchers Wallerstein and Kelly. They theorized that a child's rejection of a noncustodial parent and strong resistance or refusal to visit that parent was sometimes a "pathological" alignment between an angry custodial parent and an older child or adolescent and that this alliance was fueled by the dynamics of marital separation, including a child's reaction to it (Wallerstein & Kelly, 1976, 1980). Although significant, Wallerstein and Kelly's construct did not become a staple of custody evaluations or judicial determinations. Moreover, their early work does not use the phrase "parental alienation," but focuses instead on children's "alignment" with one parent against the other.

* *The use of gender-specific language in this paper to refer to protective and abusive parents is in response to both Richard Gardner's gendered framework for PAS and to relevant research on domestic violence.*

Beginning in the early 1980's, attention to a purported "parental alienation syndrome" exploded as the result of the dedicated efforts of Richard Gardner, a psychiatrist loosely affiliated with Columbia Medical School¹ who ran a clinical practice that focused on counseling divorcing parents.

Based solely on his interpretation of data gathered from his clinical practice, Gardner posited that child sexual abuse allegations were rampant in custody litigation, and that 90% of children in custody litigation suffered from a disorder, which he called "Parental Alienation Syndrome (PAS)." He described PAS as a "syndrome" whereby vengeful mothers employed child abuse allegations as a powerful weapon to punish ex-husbands and ensure custody to themselves (Gardner, 1992a; 1992b). He further theorized that such mothers enlisted the children in their "campaign of denigration" and "vilification" of the father, that they often "brainwashed" or "programmed" the children into believing untrue claims of abuse by the father, and that the children then fabricated and contributed their own stories (Gardner, 1992b, p. 162, 193; 2002, pp. 94-95). He claimed – based solely on his own interpretation of his own clinical experience – that the majority of child sexual abuse claims in custody litigation are false (Gardner, 1991), although he suggested that some mothers' vendettas were the product of pathology rather than intentional malice (Gardner, 1987, 1992b). In short, Gardner claimed that when children reject their father and they or their mother makes abuse allegations, this behavior is most likely the product of PAS rather than actual experiences of abuse. PAS theory is thus premised on the assumption that child abuse claimants' believability and trustworthiness is highly suspect.²

While acknowledging that if there was actually abuse which explained a child's hostility there could be no PAS (Gardner, 1992a), Gardner's "diagnostic criteria" focused on various personality characteristics of the accuser, accused, and the child, rather than expert assessments of abuse itself or the other reasons that might explain a child's hostility

to a parent (Gardner, 1992b; see also Hoult, 2006). Rather, Gardner's PAS theory presumes that a child's hostility to a father is pathological, which, in turn, encourages courts to suspect that mothers who make such allegations are doing so only to undermine the child's relationship with the father. Indeed, in differentiating between "fabricated" and "bona fide" abuse, Gardner uses "the Presence of the Parental Alienation Syndrome" as itself an "extremely valuable differentiating [criterion]" (Gardner, 1987, p. 109). By PAS, as previously discussed, he means a child's "campaign of denigration" of the father and the mother's supposed "programming" of the child/ren (Gardner, 2002, pp. 95-97). In short, Gardner's PAS theory essentially *presumes* PAS's existence from the mere presence of a child's hostility toward and/or fear of their father based on alleged abuse. This is unfortunately precisely how it has been applied in many courts.

It should be further noted that the "Sexual Abuse Legitimacy Scale," which Gardner invented as a means of quantifying the likelihood that sexual abuse claims were valid, was so excoriated by scientific experts as "garbage" that he withdrew the scale; however, many of the factors it contained continue to be part of his qualitative discussions of how to determine whether child sexual abuse allegations are legitimate (Bruch, 2001; Faller, 1998).

Gardner's Remedies for PAS

Gardner's "remedy" for purportedly severe PAS is extreme – including complete denial of maternal-child contact and "de-programming" the child through a concerted brainwashing effort to change the child's beliefs that they have been abused (Bruch, 2001; Gardner, 1992a; see also www.rachelfoundation.org). After being subjected to these procedures and ordered by the court to live with the father they said abused them, some children became suicidal and some killed themselves (Bruch, 2001; Hoult, 2006). In other cases, courts have ordered children into jail and juvenile homes as part of Gardner's recommended "threat therapy" which is the stock in trade of strict alienation psychologists

(Hoult, 2006; Johnston & Kelly, 2004a). In one such case, a judge ordered a frail nine-year-old boy seized by three police officers and placed in a juvenile detention facility when he refused to get into his father's car for a scheduled visitation. The son of the father's girlfriend had sexually abused the boy, and he had also witnessed the father's violence against his mother. After three days of abuse by the other boys in the detention facility, the boy agreed to cooperate with the court order. The judge concluded that his "treatment" for "parental alienation" had worked (E. Stark, personal communication, May 2007).

As critiques of PAS have pointed out, PAS is a teflon defense to an accusation of abuse, because all evidence brought to bear to support the abuse claims is simply reframed as further evidence of the "syndrome" (Bruch, 2001). That is, all efforts to gather corroboration of the allegations are simply treated as further evidence of her pathological need to "alienate" the child from the father (Gardner, 1987, 1992a). If the protective parent points to a therapist's opinion that the child has been abused, the therapist is accused of a "folie a trois" (a clinical term from the French for "folly of three") which suggests that all three parties are in a dysfunctional "dance" together (Bruch, 2001). A child's or a protective parent's repetition of claims of abuse is routinely characterized as further evidence of extreme alienation, and punished by court orders prohibiting continued reporting of abuse.

Gardner's pro-pedophilic and misogynistic beliefs

Gardner's underlying beliefs regarding human sexuality, including adult-child sexual interaction, are so extreme and unfounded that it is hard to believe that courts would have adopted his theory had they known. First, he asserted that the reason women lie about child sexual abuse in custody litigation is because "hell hath no fury like a woman scorned" (Gardner, 1992b, pp. 218-19), and/or because they are "gratified vicariously" (Gardner, 1991, p. 25; 1992a, p. 126) by imagining their child having sex with the father. There is of course

no empirical basis or support for these offensive assertions.

Second, Gardner's views of sexuality were disturbing. He claimed that all human sexual paraphilias, including pedophilia, sadism, rape, necrophilia, zoophilia (sex with animals), coprophilia (sex with feces), and other deviant behaviors "serve the purposes of species survival" by "enhanc[ing] the general level of sexual excitation in society" (Gardner, 1992b, p. 20; see also Hoult, 2006; Dallam, 1998.)

Further, Gardner claimed that women's physiology and conditioning makes them potentially masochistic rape victims who may "gain pleasure from being beaten, bound, and otherwise made to suffer," as "the price they are willing to pay for gaining the gratification of receiving the sperm" (Gardner, 1992b, p. 26).

Regarding pedophilia, Gardner argued expressly that adult-child sex need not be intrinsically harmful to children, and that it is beneficial to the species, insofar as it increases a child's sexualization and increases the likelihood that his or her genes will be transmitted at an early age (Gardner, 1992b). Gardner claimed, "sexual activities between an adult and a child are an ancient tradition" and phenomenon which "has been present in just about every society studied, both past and present" (Gardner, 1992b, pp. 47-48). He viewed Western society as "excessively punitive" in its treatment of pedophilia as a "sickness and a crime" (Gardner, 1991, p. 115), and attributed this "overreaction" to the influence of the Jews (Gardner, 1992b, pp. 47, 49). Gardner opposed mandated reporting of child sexual abuse and specifically described a case in which he successfully persuaded a mother not to report a bus driver who had molested her daughter, because it would "interfere with the natural desensitization process, would be likely to enhance guilt, and would have other untoward psychological effects" (Gardner, 1992b, pp. 611-12; see also Dallam, 1998). Gardner's perspective on adult-child sexual interaction can be summed up in his reference

to Shakespeare's famous quote: "There is nothing either good or bad, but thinking makes it so" (Gardner, 1991, p. 115).

Despite his assertions that pedophilia is widespread and harmless, he asserted in a filmed interview that a child who tells his mother he has been sexually molested by his or her father should be told "I don't believe you. I'm going to beat you for saying it. Don't you ever talk that way again about your father" (Waller, 2001).³ This response – and his beliefs described above – suggest that the animating intention behind the PAS theory's denial of the validity of child sexual abuse reports is not a genuine belief that child sexual abuse is often falsely reported, but rather a belief that such reports should be suppressed.

The Lack of Evidence Base for PAS

While Gardner and PAS have had many adherents, particularly among forensic evaluators and litigants, there is actually no empirical research validating the existence of PAS. And there is extensive empirical proof that the assumptions underlying the theory are false.

Sole empirical study of PAS does not validate the concept. Only one study has been published that purports to empirically verify the existence of PAS. Consistent with scientific standards, this study sought to assess the "inter-rater reliability" of PAS – i.e., the extent to which different observers can consistently identify PAS (Rueda, 2004). The study built directly on Gardner's criteria, taking for granted that those criteria reflect PAS. It then measured the degree to which a small sample of therapists agreed on whether five case scenarios presented to them reflect those PAS criteria or not (Rueda, 2004). The findings were that there was a reasonable degree of agreement about whether these cases indicated PAS. However, the findings do not prove its existence – rather, they prove that a small number of mental health professionals agreed on applying the *label* PAS to cases of estranged ("alienated") children. Many therapists surveyed, however, had refused

to fill out the questionnaire and some expressly stated they didn't believe PAS existed. This study thus simply presumed rather than proved the key question: is the concept of PAS actually a disorder caused by a malevolent aligned parent's efforts, or is it simply a reframing of a child's estrangement flowing from abuse, other problematic conduct by the alienated parent, or other normative reasons? The author himself admits that the findings did not "differentiate PAS from parental alienation" (Rueda, 2004, p. 400). Since "parental alienation" is merely a label that does not in itself explain the reason for the child's alienation, this admission essentially negates the study as a validator of PAS.

PAS' empirical bases are false or unsupported. The claims upon which Gardner based his PAS theory are thoroughly contradicted by the empirical research. First, Gardner (1991, 1992b) claimed that child sexual abuse allegations are widespread in custody cases and that the vast majority of such allegations are false. These claims have no empirical basis, other than Gardner's interpretation of his own clinical practice. In contradiction, the largest study of child sexual abuse allegations in custody litigation ever conducted found that child sexual abuse allegations were extremely rare (less than 2% of cases) and of those, approximately 50% of the claims were deemed valid, even when assessed by normally conservative court and agency evaluators (Thoennes & Tjaden, 1990). Other studies have found such allegations to be validated approximately 70% of the time (Faller, 1998). Moreover, leading researchers have found that the dominant problem in child sexual abuse evaluation is not false allegations, but rather, the "high rates of unsubstantiated maltreatment" in "circumstances that indicat[e] that abuse or neglect may have occurred" (Trocmé & Bala, 2005, pp. 1342-44).

Indeed, empirical research has found that the PAS theory is built upon an assumption which is the opposite of the truth: Where PAS presumes that protective mothers are vengeful and pathologically "program" their children, it is not women and children – but noncustodial fathers – who are most

likely to fabricate child maltreatment claims. In the largest study of its kind, leading researchers analyzed the 1998 Canadian Incidence Study of Reported Child Abuse and Neglect. They found that only 12% of child abuse or neglect allegations made in the context of litigation over child access were intentionally false (Trocme & Bala, 2005). Notably, they found that the primary source (43%) of these intentionally false reports was noncustodial parents (typically fathers); relatives, neighbors, or acquaintances accounted for another 19% of false reports. Only 14% of knowingly false claims were made by custodial parents (typically mothers), and only two cases (out of 308) fit the alienation paradigm of an intentionally false abuse allegations against a noncustodial father (Trocme & Bala, 2005).

PAS has been rejected as invalid by scientific and professional authorities. The dominant consensus in the scientific community is that there is no scientific evidence of a clinical “syndrome” concerning “parental alienation.” Leading researchers, including some who treat “alienation” itself as a real problem, concur, “The scientific status of PAS is, to be blunt, nil” (Emery, Otto, & O’Donohue, 2005, p. 10; see also Gould, 2006; Johnston & Kelly, 2004b; Myers, Berliner, Briere, Hendrix, Jenny, and Reid, 2002; Smith and Coukos, 1997; Wood, 1994). The Presidential Task Force of the American Psychological Association on Violence in the Family stated as early as 1996 that “[a]lthough there are no data to support the phenomenon called parental alienation syndrome, in which mothers are blamed for interfering with their children’s attachment to their fathers, the term is still used by some evaluators and Courts to discount children’s fears in hostile and psychologically abusive situations” (p. 40). Dr. Paul Fink, past President of the American Psychiatric Association, describes PAS as “junk science” (Talan, 2003, line 9). Nonetheless, defenses of PAS against critiques have led even some respected social scientists to mis-cite and distort the research (Lasseur & Meier, 2005).

Thus, PAS has been rejected multiple times by the American Psychiatric Association as lacking in

scientific basis and therefore not worthy of inclusion in the Diagnostic and Statistical Manual of Mental Disorders. The most recent all-out campaign by PAS proponents for inclusion of (the re-named) “Parental Alienation Disorder” (PAD) was flatly rejected by the DSM-V committee in 2012 (Crary, 2012).

Echoing the scientific consensus, a leading judicial body, the National Council of Juvenile and Family Court Judges (NCJFCJ), has published guidelines for custody courts stating:

[t]he discredited “diagnosis” of “PAS” (or allegation of “parental alienation”), quite apart from its scientific invalidity, inappropriately asks the court to assume that the children’s behaviors and attitudes toward the parent who claims to be “alienated” have no grounding in reality. It also diverts attention away from the behaviors of the abusive parent, who may have directly influenced the children’s responses by acting in violent, disrespectful, intimidating, humiliating and/or discrediting ways toward the children themselves, or the children’s other parent (Dalton, Drozd, & Wong, 2006, p. 24).

The American Prosecutors’ Research Institute and National District Attorneys’ Association have also rejected PAS (Ragland & Field, 2003).

Court rulings on admissibility. Most family courts accept PAS contained in an opinion offered by an evaluator or Guardian Ad Litem (GAL) (legal representative for the child) without ever questioning its scientific validity or admissibility. Where it has been formally challenged on appeal, appellate courts have also avoided directly ruling on the issue. See e.g., *Hanson v. Spolnik*, 685 N.E.2d 71 (Ind.App. 1997), *Chezem, J.* dissenting (castigating both trial court and appellate court for reliance on “pop psychology” of PAS). As a result there are as of the date of this writing only three trial-level published opinions actually analyzing and ruling on the legal admissibility of PAS. Each opinion has concluded it lacked sufficient scientific validity to meet admissibility standards (*Snyder v. Cedar*, 2006 Conn.

Super. LEXIS 520, 2009; *People v. Fortin*, 2001; *People v. Loomis*, 1997). Four trial level decisions have ruled it was admissible, but the appeal of each decision resulted in no ruling on the PAS issue. No published decision exists for several of the purportedly favorable trial court opinions (Hoult, 2006).

PAS Continues to Garner Public and Judicial Attention

While the robust critiques and rejections of PAS as a “syndrome” have reduced the use of this label in court and in the research literature, it has continued to garner popular and political recognition. For example, the American Psychological Association and state and local bar associations continued to sponsor workshops on PAS during the first decade of the century. Since approximately 2005, roughly fifteen governors have issued proclamations concerning the purported problem of PAS at the urging of a relatively small group of PAS proponents (Parental Alienation Awareness Organization-United States, n.d.).

Parental Alienation

The many critiques of Gardner’s PAS have resulted in a shift among leading researchers and scholars of custody evaluation from support for PAS to support for a reformulation of PAS to be called instead “parental alienation” or “the alienated child” (Johnston, 2005; Steinberger, 2006). Most recently, Johnston and Kelly (2004b) have clearly stated that Gardner’s concept of PAS is “overly simplistic” and tautological, and that there are no data to support labeling alienation a “syndrome” (p. 78; 2004a, p. 622). Instead, they speak of “parental alienation” or “the alienated child” as a valid concept that describes a real phenomenon experienced by “a minority” of children in the context of divorce and custody disputes (Johnston, 2005, p. 761; Johnston & Kelly, 2004b, p. 78; see also Drozd & Olesen, 2004).

Johnston (2005) defines an alienated child as one

who expresses, freely and persistently, unreasonable negative feelings and beliefs (such as anger, hatred, rejection and/or fear) toward a parent that are significantly disproportionate to the child’s actual experience with that parent. Entrenched alienated children are marked by unambivalent, strident rejection of the parent with no apparent guilt or conflict (p. 762).

What is the difference between PAS and PA? The primary shift appears to be away from Gardner’s focus on the purportedly alienating parent and toward a more realistic assessment of the multiple sources of children’s hostility or fear of a parent, including behavior by both parents and the child’s own vulnerabilities (Johnston, 2005; Johnston & Kelly, 2004b; Kelly & Johnston, 2001). Johnston and Kelly (2004b) state,

In contrast to PAS theory that views the indoctrinating parent as the principal player in the child’s alienation, this study [their own] found that children’s rejection of a parent had multiple determinants . . . [another study of theirs also] supported a multi-dimensional explanation of children’s rejection of a parent, with both parents as well as vulnerabilities within the child contributing to the problem. Alienating behavior by an emotionally needy aligned parent (mother or father), with whom the child was in role-reversal, were strong predictors of the child’s rejection of the other parent. Just as important as contributors were critical incidents of child abuse and/or lack of warm, involved parenting by the rejected parent (pp. 80-81).

Johnston also differentiates her approach from Gardner’s by rejecting his draconian “remedies,” including custody switching to the “hated” parent. Characterizing Gardner’s prescriptions as “a license for tyranny,” Johnston and Kelly (2004b, p. 85) call instead for individualized assessments of both the children and the parents’ parenting, maintaining focus on the children’s needs rather than the parents’

rights. In theory, the goal is a more realistic and healthy relationship with both parents, rather than reconciliation with the hated parent as the only desirable goal (Johnston, 2005). Unfortunately, the common practice in court is far less nuanced and individualized (see below).

The notion that some children are alienated from a parent is both a less scientific and more factual assertion. It is thus easier to raise “alienation” in court without triggering a battle over the admissibility of scientific evidence (Gardner, 2002). However, debate continues to rage in research and advocacy circles over the extent to which parental alienation is something that can be measured, is caused by a parent, and/or has truly harmful effects, or whether it is simply a new less objectionable name for the invalidated PAS. To the extent that PA is widely used almost identically to PAS in court, it may not matter in practice what the theoretical differences are.

Critique of PA - Lack of Evidence Base

Questioning the scientific basis of parental alienation and PAS is challenging because these theories are described and referenced in a substantial social science literature (Turkat, 2002). Many of these materials make assertions about PAS and PA without any citation to scientific literature – yet their “publication” on the Internet and their association with apparently credentialed authors and/or supporters, give them an aura of credibility. Some articles do cite research selectively, but contain numerous unsupported assertions as well, about PAS, PA, and how they operate.

Custody evaluators and psychologists frequently insist as an anecdotal matter that alienation is present and is a terrible thing. However, the only empirical basis for this assumption of alienation’s harmfulness at this time is limited to “clinical observation” (Johnston & Kelly, 2004b; see also Ackerman & Dolezal, 2006). Of course clinical observations are subjective, and do not constitute empirical evidence. Moreover, these statements do not indicate whether

the relationship breaches between children and parents observed by these clinicians are a healthy or developmental response to their relationship with that parent, or if the “alienation” is wrongfully instigated by a favored (“aligned”) parent (Johnston & Kelly, 2004b). Indeed, even if the clinical observers attempted to make the distinction, there would be no objective way of discerning whether their judgment was correct (short of a comprehensive assessment of the child-parent relationship, including any abusive, neglectful or cold, indifferent or hostile parenting by the disliked parent.

In fact, what the empirical evidence Johnston et al. (2005) have amassed indicates both that (i) actual “alienation” of a child is quite rare despite many parents’ derogatory conduct or statements about the other parent and (ii) when children are estranged from a parent there are always multiple reasons, some of which are that parent’s own conduct. Their widely published research has found that, despite the alienating behaviors of both parents in most of the families participating in their study, only 20% of children were actually “alienated” and only 6% were “severely alienated.” Even among the children who rejected a parent, all had multiple reasons for their hostility, including negative behaviors by the hated parent, such as child abuse or inadequate parenting, or the children’s own developmental or personality difficulties (Johnston, 2005; Johnston et al., 2005).

The fact that only a small fraction of children subjected to inter-parental hostilities and alienating conduct by their parents have been found to actually become “alienated” suggests that the focus on alienation is a tempest in a teapot – one that continues to distract from and undermine the accurate assessment of abuse and concomitant risks to children.

Lack of Evidence Base for Long-term Impact of Alienation

Johnston and others have acknowledged that “there is very little empirical data to back up their “clinical observations” that alienated children are significantly

undermined in their emotional and psychological development. In fact, Johnston and Kelly (2004b) forthrightly state that “there are no systematic long-term data on the adjustment and well-being of alienated compared to non-alienated children so that long-term prognostications are merely speculative” (p. 84). And, contrary to the common assertions of evaluators and alienation theorists that alienation is a devastating form of emotional abuse of children, Judith Wallerstein, the groundbreaking researcher of divorce who first pointed out the problem of children’s sometimes pathological alignment with the custodial parent after divorce, found in her follow-up study that children’s hostility toward the other parent after divorce was in every case temporary, and resolved of its own accord, mostly within one or two years (Bruch, 2001; Wallerstein et al., 2000).

Links between PA and Domestic Violence – Reversing the PA Paradigm

Johnston and Kelly’s (2004b) research also reveals some interesting evidence about the relationship of domestic violence to alienation:

While a history of domestic violence did not predict children’s rejection of a parent directly . . . [m]en who engaged in alienating behaviors (i.e., demeaning a child’s mother) were more likely to have perpetrated domestic violence against their spouses, indicating that this kind of psychological control of their child could be viewed as an extension of their physically abusive and controlling behavior (p. 81).

Coming from researchers who specialize in alienation, this empirical statement – that men who batter are often also men who intentionally demean the mother and teach the children not to respect her – is powerful confirmation of the experiences of many battered women and their advocates. Perhaps just one example from the author’s caseload will suffice: In this case, the batterer would call the children out of their rooms where they were cowering, to make them watch him beat their mother while telling them he had to do this because she was a “whore”

and a “slut.” Other custody experts and researchers have also suggested that batterers are in fact the most expert “alienators” of children from their other parent (Bancroft & Silverman, 2002). The dilemma that this creates for battered women and their advocates with respect to the use of parental alienation as a claim is discussed in the section on “Strategy Issues” below.

Qualitative critique – PA denies abuse and is used, like PAS, in conclusory fashion. By recognizing the many reasons and ways children can become alienated from a parent, the new “alienation” theory is, in principle, more reasonable and realistic than the old PAS theory. Nonetheless, given the shared belief at the root of both theories – that abuse allegations are typically merely evidence of an aligned parent’s campaign of alienation – the differences between “alienation” and PAS are, at best, unclear to many lawyers, courts, and evaluators.⁴ Indeed, this author was involved in a case in which the court’s forensic expert, over time, substituted the label “parental alienation” for her earlier suggestion of PAS, without changing anything else about her analysis. When queried about the differences between PA and PAS, she had little to say. It is not surprising, then, that even while trying to explicitly shift the focus from PAS to PA, proponents of the “new” PA continue to rely on PAS materials (Bruch, 2001; Steinberger, 2006).

Perhaps the most disturbing misuse of PA is seen when PA adherents fail to distinguish between children who are estranged from a non-custodial parent due to abuse or other negative behavior from children who have been wrongly influenced by their favored parent to hate or fear the other. Thus, leading adherents to PA theory including Johnston and colleagues sometimes describe children’s symptoms and psychological harms and attribute them to “alienation,” while simultaneously acknowledging that their research shows that “alienated” children include those who are *justifiably* estranged due to the disfavored parent’s conduct. Cases worked on by this author have shown that abused children display many of the symptoms that are frequently attributed

to “alienation” both in the courts and in the literature (Compare Johnston, Walters, & Olesen, 2005; Johnston & Kelly, 2004b with Kathleen C. Faller, 1999; Righthand, 2003). Such discussions attribute to alienation harms which, in fact, may well be due to the disfavored parent’s own behaviors (Meier, 2010).

This failure to distinguish between whether harm to children – or their hostility to their father – is caused by alienation or abuse sets up a paradoxically disastrous dynamic: So long as an abuser can convince a court that the children’s attitudes can be labeled “alienation,” he can *benefit* from the very impact of his abuse. In *Jordan v. Jordan*, the trial court found (based on two alienation psychologists’ testimony) that the older of two children was severely alienated from her father, who had been found to have twice committed intrafamily offenses against the mother. Therefore, the court ruled that the legislative presumption against joint custody to a batterer was rebutted – by the child’s alienation, which, the court stated, would cause her emotional damage, and which it was presumed could best be cured by more time with her father (who she adamantly refused to see). The problem with this analysis was that neither the experts nor the judge considered the possibility that the child’s “alienation” may have been at least in part a reaction to the father’s violence toward the mother and in front of the child, as well as his known manhandling of the child herself. As a result, the father won joint (and eventually, sole) custody, even though the possibility that the child’s hostility was a function of *his own abusive behaviors* was *never ruled out* (Jordan, 2010). When this argument was put before the Court of Appeals, that Court also ignored the fact that such reasoning makes *battering a sure path to an award of custody* – so long as the children become alienated as a result. The Court simply affirmed that the alienation label is sufficient grounds to rebut the presumption against custody to batterers, without regard to whether it is the batterer’s own abuse which may have caused the child’s “alienation” (Jordan, 2011).

It should be noted that, while alienation researchers do not discuss child witnessing of adult domestic violence as a form of emotional child abuse, research has unequivocally found that child witnesses to adult abuse can be profoundly negatively affected and/or traumatized, even if they are not themselves the direct target of physical or sexual violence (Lewis-O’Connor, Sharps, Humphreys, Gary, & Campbell, 2006; Bancroft & Silverman, 2012). Therefore, even where children have not been directly abused themselves, their fear or hostility toward the batterer of their mother may be entirely expected.

The fact that courts are not nuanced in applying alienation theory would not in itself be sufficient to indict the theory itself. However, discussions of PA within the scholarly literature supporting the concept demonstrate that these applications of the theory are quite consistent with the way it is understood by its researchers and theorists. For instance, while on the one hand conveying a more reasonable awareness of the many factors that contribute to a child’s alienation from a parent, Johnston and collaborators continue to pathologize mothers whose children are hostile or afraid of their fathers. In some of their earlier work they even go so far as to pathologize the “aligned” parent who “often fervently believes that the rejected parent is dangerous to the child in some way(s): violent, physically or sexually abusive, or neglectful” (p. 258). They go on to describe the pursuit of legal protections and other means of assuring safety as a “campaign to protect the child from the presumed danger [which] is mounted on multiple fronts [including] restraining orders...” (p. 258). Finally, like Gardner, these purported rejectors of PAS continue to assert that a parent can “unconsciously” denigrate the other parent to the child “as a consequence of their own deep psychological issues” which cause them to “harbor deep distrust and fear of the ex-spouse...” (p. 257; see also Meier, 2010). This willingness to pathologize capable mothers even extends to mothers’ “warm, involved” parenting – which they assert can powerfully fuel alienation in a child (Johnston et al., 2005, p. 208; Kelly and Johnston, 2001). Such discussions are more than sufficient

to ensure that whenever a mother and child have ambivalence about the children's father, and certainly in most cases where mothers allege abuse, virtually any loving parenting by the mother can be labeled a form of "alienation."

In short, parental alienation as a theory has been built – not by scientific or empirical research, but by repeated assertions – at first more extreme assertions by Gardner, and now less extreme but still distorted assertions by more sophisticated psychological professionals. Unfortunately it has been used virtually identically to PAS in family courts, to simply turn abuse allegations back against the protective parent and children (Meier, 2010). Anecdotal experience is now being confirmed by cutting edge research into "turned around" cases, i.e., those in which a court initially disbelieves a father is dangerous and, after some harm to the children, a second court corrects the error. Preliminary results of this research have identified PA labeling as one of three primary factors leading to erroneous denials of an accused abuser (usually a father)'s dangerousness, and orders subjecting children to ongoing abuse (Silberg, 2013; Silberg & Dallam, 2013). These preliminary results indicate that at least 37% of initial case errors (10 out of 27) were attributable to PA/PAS labeling. If an additional 12 cases in which the protective parent (usually a mother) was pathologized in similar manner (without the PA label) are included, the percentage becomes 66%. Opinions of evaluators and Guardians Ad Litem (GALs) were a key factor in the court's unprotective erroneous decision in 67% of cases (Silberg, 2013; Silberg & Dallam, 2013).

PA and PAS Labeling by Child Protection Agencies

Despite the mission of child welfare agencies to protect child safety, many such agencies appear to have adopted PAS/PA reasoning. Anecdotal reports from the field suggest that many child welfare agencies are highly skeptical of any abuse claims raised within the context of custody litigations and discount their credibility.⁵ Although Gardner asserted that sexual abuse claims raised in the custody

litigation context were mostly false, as noted above, the empirical research demonstrates the opposite. Nonetheless, the widespread acceptance of PAS and PA theory has legitimized many child welfare agencies' skepticism toward such allegations when made by mothers in custody or visitation litigation (Leshner & Neustein, 2005; Neustein, A., & Goetting, A., 1999). In fact, in some jurisdictions, the same custody evaluators propounding PAS and PA are working with the child welfare agency.⁶ This author has been involved in and learned of numerous cases in which the child welfare agency has refused to believe or even seriously investigate mothers' and children's allegations of a father's abuse, when the case was in custody litigation. It seems that some trainings delivered to caseworkers focus on identifying and weeding out false allegations as much or more than understanding the dynamics of child abuse in the family. In one highly regarded instruction manual, two factors listed as helpful in identifying false allegations are (i) ongoing custody/visitation litigation and (ii) the accused's denial of the abuse (Pennsylvania Child Welfare Resource Center, 2011).

PA and PAS Labeling by Custody Evaluators

NCJFCJ Guidelines for judges state:

In contested custody cases, children may indeed express fear of, be concerned about, have distaste for, or be angry at one of their parents. Unfortunately, an all too common practice in such cases is for evaluators to diagnose children who exhibit a very strong bond and alignment with one parent and, simultaneously, a strong rejection of the other parent, as suffering from "parental alienation syndrome" or "PAS." Under relevant evidentiary standards, the court should not accept this testimony. . . (Dalton et al., 2006, p. 24).

In one case with which the author is familiar, the court's forensic evaluator posited alienation as an explanation for the mother's and child's sexual abuse allegations, after observing a single brief visit in the court supervised visitation center, in which the father

and child were observed to be warm and enthusiastic. This evaluator, who was highly regarded by the court as an expert, did not believe that such affectionate interactions would occur if the sexual abuse allegations were true. However, expert research into child sexual abuse indicates the opposite: One cannot assess the veracity of such allegations by observing the parties' interactions. Most abused children continue to love their abusive parents, and crave loving attention from them. Particularly when they know they are in a safe setting, their affection for their parent and the parent for them, may be evident (Anderson, 2005; Bancroft & Silverman, 2002).

Recent major research has now confirmed that many neutral custody evaluators actually lack meaningful knowledge or expertise in domestic violence and abuse (Saunders, Faller & Tolman, 2011). In particular, many (especially private) custody evaluators do not understand the risks to adults and children *after* separation from the abuser, do not use an objective screening instrument and do not apply knowledge from the domestic violence field about assessing dangerousness. Those lacking this information tend also to believe: "(1) DV victims alienate children from the other parent; (2) DV allegations are typically false; (3) DV victims hurt children if they resist co-parenting; (4) DV is not important in custody decisions; and (5) coercive-controlling violence in the vignette was not a factor to explore" (Saunders, Faller & Tolman, 2011). These same evaluators were found to hold "patriarchal" norms (Saunders, Faller & Tolman, 2011). Both this study and other smaller ones have consistently found that custody evaluators fall into two groups: those who understand domestic violence and abuse and believe it is important in the custody context, and those who lack such understanding, are skeptical of abuse allegations and believe they are evidence of alienation (Saunders, Faller & Tolman, 2011; Haselschwerdt and Hardesty, 2010; O'Sullivan, 2011; Erickson and O'Sullivan, 2010). The fallability and ideology of custody evaluators is perhaps best summed up by one of these researchers: "The study showed that what the evaluator brings to the case has more influence on the family's fate than

the facts of the case" (O'Sullivan, 2011). Particularly if actual physical violence was not extreme, many such evaluators (and judges) conclude that the perpetrator is not particularly dangerous and that women's and children's fears are overstated or simply fueled by vengeance.

These gaps in evaluators' and judges' appreciation of abuse dynamics and risks are reinforced by the strong emphasis in family courts and mental health training on the importance of children retaining robust relationships with their noncustodial parents after divorce. This leads to a dominant emphasis on "co-parenting" as the prime value by which custody litigants are judged. Thus, the National Council of Juvenile & Family Court Judges in its guide for judges on custody evaluations states, "[e]valuators may ... wrongly determine that the parent is not fostering a positive relationship with the abusive parent and inappropriately suggest giving the abusive parent custody or unsupervised visitation in spite of the history of violence..." (Dalton et al., 2006, p. 25). Alienation theory perfectly and problematically reinforces this emphasis on litigants agreeing to "share" parenting rather than restricting the other parent.

Strategy Issues for Litigants in Specific Cases

Expert Witnesses

The ideal strategy for combating PAS/PA claims leveled against an abuse survivor is the production of an expert to testify that PAS is not valid "science." Such an expert should also explain how PAS and PA are widely used to distract from and undermine an objective assessment of past abuse and future risk. Such expert testimony may be effective in persuading the trial judge to discount PAS or PA claims where there is evidence of abuse. The expert can also help the court understand the dynamics of the particular abuse alleged in the case, including the counter-intuitive aspects of child sexual abuse, or the controlling and coercive tactics used by abusers, which may help a court understand why a lack of severe overt violence does not make abuse

allegations fraudulent. However, even if expert testimony does not result in success at trial, the creation of a strong scientifically based record at trial will increase the chances that a PAS or PA-based ruling can be overturned on appeal.⁷ Litigants and their advocates and experts should argue that PA should be treated – at most – as merely a behavior that does not by itself indicate anything other than the need for an individualized assessment of each child, their attitudes toward their parents, and the reasons therefor. Abuse allegations must be thoroughly and independently assessed, regardless of alienation claims (Drozd & Olesen, 2004; Meier, 2010). Ideally, alienation claims should be excluded unless and until abuse is *ruled out*. Otherwise, the alienation label is too easily used to cut short any serious consideration of abuse, and to re-frame true abuse as alienation, a dangerous error, as recent research indicates. For this reason, a popular “decision tree”⁸ by leading scholars and forensic psychologists, which invites evaluators to assess *both abuse and alienation* simultaneously, is likely to simply continue the same problems already seen with the misuse of alienation (Meier, 2010).

However, it is the rare custody litigant who can locate and afford to pay a genuine expert on these subjects. Moreover, not all courts are persuaded by such testimony, and PAS and PA claims in custody litigation can be particularly tenacious and difficult to refute. Because PAS theory is so circular – deeming all claims, evidence and corroboration of abuse allegations merely to be further evidence of the “syndrome” – direct rebuttal is virtually impossible. Advocates and survivors in such situations have sometimes concluded that backing off of abuse allegations may be the only way to reduce the courts’ focus on purported alienation by the mother. A troubling number of mothers have lost custody and even all contact with their children as a result of seeking to protect them from their fathers’ abuse (Leshner & Neustein, 2005; Petition in Accordance, 2006). In this context, painfully tolerating unsupervised visitation or even joint custody with an unsafe father may be seen as the lesser of two evils. However such a resolution may not be permanent, as many abusive parents keep returning to court

until they can wrest custody from the protective parent, which is frequently the punishment inflicted on protective parents who continue to report their children’s complaints of abuse after being with their other parent.

Alienation by Batterers

Another strategic dilemma arises for victims of domestic violence (typically women) who have observed their abuser (typically men) to be actively alienating the children from their victim-parent. This is most common where the abusive parent is awarded full custody; however, it can also happen to a lesser extent whenever an abuser has unsupervised access to the children. As most advocates for abuse survivors know, what courts call “alienation,” i.e., undermining a child’s relationship with the other parent for illegitimate reasons, is a common behavior of abusers (Bancroft & Silverman, 2002; Johnston, 2005). In such cases, the survivor and her advocate must decide whether to invoke “parental alienation” against the perpetrator. On one hand, to do so would be to validate a concept of dubious validity which has been widely misused against female victims of abuse, and which has been vigorously opposed by domestic violence experts and advocates. One advocate has coined the term “maternal alienation” to distinguish batterer-perpetrated alienation from the much maligned “parental alienation” which is most often used against mothers (Morris, 2004). This term has yet to catch on in the field, and it seems this phrase could also easily be misconstrued as describing mothers who alienate their children. Given many courts’ hostility to alleged alienation, as well as the genuine harm that abusers’ combination of intimidation and terror with alienating conduct can engender by undermining children’s safe relationship with their protective parent, the decision as to whether to allege alienation against an abusive father is not easily made. An alternative term that advocates for abuse victims may wish to use is “Domestic Violence by Proxy,” a phrase which captures the way adult batterers may abuse children to hurt the children’s mother (Leadership Council, 2009). However it is not clear whether this term captures non-violent alienating conduct.

An Abuse-Sensitive Approach to Adjudicating Parental Alienation Allegations

Given the inherent problems with even the reformulated concept of parental alienation, and given also the facts that (1) alienating behavior is indeed a factual reality, most often engaged in by abusive fathers, and (2) courts and evaluators are unlikely to abandon the concept, this paper seeks to provide an approach to alienation that, if implemented conscientiously, would cabin alienation's use to those cases where it is a legitimate issue. Such a proposal is currently most relevant to forensic evaluators and Guardians Ad Litem, but ideally, it would also become judicial practice to require that abuse be ruled out before alienation is considered. This approach could be adopted through state legislation, court policy, or individual judicial practice. The steps are the following:

1. **Assess abuse first.** Abuse should always be assessed – first – whenever there are allegations of abuse. If abuse claims are verified, or substantial risk exists, the remainder of the evaluation should be guided by safety and protection as the dominant concerns, with relationship preservation as only the secondary concern.
2. **Require evaluators to have genuine expertise in both child abuse and domestic violence.** Evaluators who lack such expertise should be required (as is implied by the APA's ethical custody evaluation guidelines, 1994, 2009) to bring in an outside expert. Real "expertise" requires more than one or two continuing education seminars. It requires in-depth training in abuse and/or in working with abused children and/or adults. The new and extensive research consistently shows that custody evaluators' opinions and recommendations are largely determined by their pre-existing beliefs and biases: in particular, those lacking meaningful domestic violence knowledge cannot be trusted to accurately assess abuse allegations and their implications for child well-being.
3. **Once abuse is found, an abuser's alienation claims against the victim should not be considered.** Virtually every article about alienation and abuse – including Gardner's – gives lip service to the principle that if abuse is real, then alienation is not. However, the current trend propounded by both Johnston and Kelly (2004a, 2004b) and Drozd and Olesen (2004) toward a "multivariate" approach, which evaluates abuse and alienation simultaneously, unavoidably gives too much weight to alienation claims in a manner which inevitably undermines accurate assessment of the validity and impact of real abuse claims (Meier, 2010). Alienating conduct bound up with a batterer's pattern of abuse should be identified as part of the abuse.
4. **A finding of alienation should not be based on unconfirmed abuse allegations or protective measures by the favored parent.** Consider a small thought experiment: When fathers allege that mothers or their new partners are abusing the child, and courts do not confirm the allegation, would it be normal to treat the father as a pernicious alienator from whom the child must be protected? In this author's experience, it is unlikely that experienced family lawyers or evaluators would expect – or advocate for – such treatment. The same standard should hold true for mothers alleging the father is an abuser. In short, alienation should not be linked to abuse allegations at all. If alienation is a

Rather, the research proves that these evaluators bring inaccurate presumptions to these cases, including an assumption that women's abuse allegations are often false and merely a form of alienation, along with a lack of appreciation of the genuine danger posed by the abuser and the need for objective risk assessment. Precisely because assessments of abuse are empirically demonstrated to be dependent on the assessor's predispositions to believe or not believe such claims, actual training and *experience working with abused populations* should be a necessary pre-requisite for a valid assessment.

serious concern, then it must be one independent of abuse allegations. To treat abuse allegations as the hallmark of alienation, as is normally done in courts today, is simply to fall into the trap illuminated above – of misusing a claim of alienation to defeat, neutralize, or undermine the seriousness or validity of allegations of abuse. The two concerns should stand or fall – if at all – on their own.

5. **Alienation claims should be considered only under two conditions: If (i) other developmental or understandable causes of the child's hostility are ruled out, and (ii) there is specific concrete behavior by the favored parent which was intended to cause the child to dislike his/her father.** The alienation researchers consistently acknowledge that children may be alienated from a parent for a multiplicity of reasons, almost always including the disfavored parent's own behavior. Therefore it is critical to avoid leaping to the "alienation" label, as a means of attributing blame to the mother, unless and until other explanations for a child's hostility are ruled out. This approach excludes cases where the parent is engaged in some degree of alienating conduct (e.g., remarks) but the child is not in fact alienated (the vast majority of children, according to Johnston's research). It excludes cases where the preferred parent is hostile to the other parent but does not intentionally and concretely seek to alienate the child. It also excludes cases where the child is unreasonably hostile but the preferred parent is not the cause. Finally, it excludes cases where the child's hostility is understandable in light of his or her experiences with the disliked parent. These exclusions follow logically if we are to eliminate the misuse of alienation theory to blame protective parents and/or silence abused children. In short, as noted above, true "alienation" – in the sense of a child's estrangement malevolently or pathologically cultivated by the preferred parent – is at issue in only a tiny fraction of cases, i.e., some fraction of the 6% of severely

alienated children Johnston et. al. identified in divorcing/separating families.

In these rare cases, if a child is found to be unreasonably hostile to the other parent (i.e., the child refuses to visit or is incorrigibly resistant when visiting), the evaluation must seek to determine a cause for the unreasonable hostility. In addition to the above potential reasons (abuse, neglect, batterer-instigated alienation), emotional betrayals by the disliked parent, and developmental and situational causes, e.g., the divorce itself, must be considered. In seeking to identify parentally-caused estrangement/alienation, evaluators should be precluded from giving weight to protective measures such as filing court protective petitions or reporting to child protection. Otherwise, the alienation label becomes once again nothing more than a penalty for disbelieved abuse allegations.

6. **A parent may be called an alienator only where the parent consciously intends the alienation and specific behaviors can be identified.** In one case described earlier, the court explicitly found that the mother was not coaching the child, but posited that her own personal hostility to the father (due to his abuse) was unconsciously causing the child to invent sexual abuse scenarios (W v F, 2007). (Of course, this theory would be sufficient to negate all children's reports of abuse – since inter-parental hostility can be inferred in most custody battles.) Such unfounded judicial or evaluator theorizing has been legitimized by the widespread acceptance of the pop psychology attached to the PAS theory and propounded by Gardner and other PAS proponents. The best cure is a clean one: Psychoanalyzing should be prohibited; only identifiable behaviors should be considered in assessing for alienation.
7. **Remedies for confirmed alienation are limited to healing the child's relationship with the estranged parent.** Under this proposal, in the rare cases where problematic alienation is found

(again, after neglect, abuse, batterer-instigated alienation, and other destructive behaviors are ruled out), evaluators should not seek to undercut the child's relationship with the preferred parent, but rather, to strengthen the child's relationship with the parent from whom s/he is estranged. Thus, family therapy between the child and the estranged parent, therapy for the child, and/or therapy for the preferred parent, might be appropriate. Orders to both parents to cease any derogatory discussion of the other parent may be appropriate. Forced change of custody is not appropriate, unless the child's relationship with the estranged parent is sufficiently healed to make the child comfortable with such a prospect (Johnston, 2004b, 86-87).

Despite the problems in some of Johnston's writings, her research also confirms what many in the field already knew: Children are resilient, and they are not easily brainwashed into rejecting another parent, at least not without active abuse, coercion and terrorizing. Courts and evaluators should operate from a healthy appreciation for the range of imperfect parenting that children everywhere survive, and for the strength of children's hard-wired love for both parents. They should ensure that safe and loving relationships are made available and invited to flourish, and should trust that children will discern the truth about their loving parents so long as they are able to experience them directly. This is especially true given that courts' over-reaction to alleged alienation is resulting in widespread disbelief of abuse claims, many of which are valid, and subjection of children to the parents they fear, who are in many cases their or their mothers' abusers. The risks and harms to children from this extreme reaction to alienation concerns – now being scientifically documented – far outweigh the risks of inaction, even when a child hates or fears a parent for illegitimate reasons.

Author of this document:

Joan S. Meier, J.D.

The George Washington University Law School
jmeier@law.gwu.edu

Endnotes

1. Gardner was "an unpaid volunteer" who taught at times in the Columbia Medical School's division of child and adolescent psychiatry. The New York Times (June 14, 2003, correction), <http://query.nytimes.com/gst/fullpage.html?res=9F05E0DB1539F93AA35755C0A9659C8B63>

2. Over time, Gardner expanded the theory to address any case where a child has been "programmed" by one parent to be "alienated from the other parent" – and even stated that sexual abuse claims arise in only a minority of PAS cases (Gardner, 2002, p. 106).

3. Gardner's mental instability was tragically revealed when he committed suicide in 2003 by stabbing himself to death. The New York Times (June 14, 2003) <http://query.nytimes.com/gst/fullpage.html?res=9F05E0DB1539F93AA35755C0A9659C8B63>; http://en.wikipedia.org/wiki/Richard_A._Gardner

4. One lawyer's website says "PAS--sometimes called Parental Alienation (PA)—is a disorder that arises primarily in the context of child-custody disputes." (The Custody Center, n.d., line 1-2). Gardner himself acknowledged that many evaluators use "parental alienation" in court to avoid the evidentiary attacks that use of "PAS" would invite (Gardner, 2002). In practice, then, it seems that many practitioners conflate the two concepts.

5. One agency is known to treat Sunday nights as "custody night" because of the bump up in hotline calls that are received when children return from visits with their noncustodial fathers. Child welfare agencies' discounting of child abuse claims in the context of custody litigation is hard to find in written policy documents, but it is common experience among litigants, lawyers, and child welfare workers, that the credibility of such claims are discounted and that investigations are often declined in deference to the custody court.

6. This was true in one of the author's cases: *Oates v. Oates*, 2008 (documents on file with author). No matter how many reports were made of the children's abuse, the child welfare agency consistently rebuffed them. Not until after the litigation was it discovered that the custody evaluator who had "diagnosed" PAS, was also a primary advisor to the child welfare agency.

7. Surveys have indicated that appeals in domestic violence cases are surprisingly successful: an unscientific survey by this author of appeals in custody cases where

domestic violence was alleged found that 2/3 of awards to accused or adjudicated batterers were reversed on appeal (Meier, 2003). This is a staggering reversal rate, given the deference that appellate courts normally give to trial courts in custody cases.

8. Access the "decision tree" in: Drozd, L.M. & Olesen, N.W. (2004). Is it abuse, alienation, and /or estrangement? A decision tree. *Journal of Child Custody*, 1(3), 65-106. Available at: [http://www.drdrozd.com/articles/DrozdOlesenJCC1\(3\)2004.pdf](http://www.drdrozd.com/articles/DrozdOlesenJCC1(3)2004.pdf)

References

- Ackerman, M.J., & Dolezal, S. (2006). Experienced Custody Evaluators' Views of Controversial Issues. *American Journal of Family Law*, 5, 200-205.
- Alford, N.M. (2003). Report of Court-Ordered Observations, dated Jun 16, 2003, in *Wilkins v. Ferguson*, DR-757-01 (on file with author).
- American Psychological Association. (1996). Report of the American Psychological Association Presidential Task Force on Violence and the Family. Washington, DC: APA.
- Anderson, C. (2005). Report in *Wilkins v. Ferguson*, DR-757-01 (on file with author).
- Bancroft, L., & Silverman, J. (2012). *The Batterer as Parent 2: Addressing the Impact of Domestic Violence on Family Dynamics*. Thousand Oaks, CA: Sage Publications.
- Bruch, C.S. (2001). Parental Alienation Syndrome and Parental Alienation: Getting It Wrong in Child Custody Cases. *Family Law Quarterly*, 35, 527-552.
- Childress, S. (2006, September 25). Fighting Over the Kids: Battered Spouses Take Aim at a Controversial Custody Strategy. *Newsweek*.
- The Custody Center. (n.d.). What is Parental Alienation Syndrome (PAS)? Retrieved May 15, 2007, from www.custodycenter.com/PAS
- Crary, D. (2012). Parental alienation not a disorder, American Psychiatric Association says, available at http://www.huffingtonpost.com/2012/09/21/parental-alienation-is-no_n_1904310.html
- Dallam, S. (1998). Dr. Richard Gardner: A Review of his Theories and Opinions on Atypical Sexuality, Pedophilia, and Treatment Issues. *Treating Abuse Today*, 8(1), 15-22.
- Dalton, C., Drozd, L., & Wong, F. (2006). *Navigating Custody and Visitation Evaluations in Cases with Domestic Violence: A Judge's Guide* (Rev. ed.). Reno, NV: National Council of Juvenile & Family Court Judges.
- Drozd, L., & Olesen, N. (2004). Is it Abuse, Alienation, and/or Estrangement? A Decision Tree. *Journal of Child Custody*, 1(3), 65-106.
- Emery, R.E., Otto R.K., & O'Donohue, W.T. (2005). A Critical Assessment of Child Custody Evaluations: Limited Science and a Flawed System. *Psychological Science in the Public Interest*, 6(1), 1-29.
- Erickson, N. (2007). Electronic message from Nancy Erickson (May 16, 2007), containing message from William Narrow, M.D., M.P.H., Research Director, DSM-V Task Force (March 13, 2007) (on file with author).
- Erickson, N. and O'Sullivan C. (2011) Doing our Best for New York's Children: Custody Evaluations when Domestic Violence is Alleged, *NYS Psychologist*, 23: 2.
- Faller, K.D. (1998). The Parental Alienation Syndrome: What Is It and What Data Support It? *Child Maltreatment*, 3(2), 100-115.
- Faller, K.D. (2000). *Maltreatment in Early Childhood: Tools for Research Based Intervention*. NY: Routledge.

- Gardner, R.A. (1987). *The Parental Alienation Syndrome and the Differentiation Between Fabricated and Genuine Child Sex Abuse*. Cresskill, NJ: Creative Therapeutics.
- Gardner, R.A. (1991). *Sex Abuse Hysteria: Salem Witch Trials Revisited*. Cresskill, NJ: Creative Therapeutics.
- Gardner, R.A. (1992a). *The Parental Alienation Syndrome: A Guide for Mental Health and Legal Professionals*. Cresskill, NJ: Creative Therapeutics.
- Gardner, R.A. (1992b). *True and False Accusations of Child Sex Abuse*. Cresskill, NJ: Creative Therapeutics.
- Gardner, R.A. (2002). Parental Alienation Syndrome vs. Parental Alienation: Which Diagnosis Should Evaluators Use in Child Custody Disputes? *The American Journal of Family Therapy*, 30(2), 93-115.
- Gould, J.W. (2006). *Conducting Scientifically Crafted Child Custody Evaluations* (2nd ed.). Sarasota, FL: Professional Resource Press.
- Haselschwerdt, M. L., Hardesty, J. L., & Hans, J. D. (2011). Custody evaluators' beliefs about domestic violence allegations during divorce: Feminist and family violence perspectives. *Journal of Interpersonal Violence*, 26(8), 1694-1719.
- Hout, J. (2006). The Evidentiary Admissibility of Parental Alienation Syndrome: Science, Law and Policy. *Children's Legal Rights Journal*, 26(1), 1-61.
- Johnston, J.R. (2005). Children of Divorce Who Reject a Parent and Refuse Visitation: Recent Research and Social Policy Implications for the Alienated Child. *Family Law Quarterly*, 38, 757-775.
- Johnston, J.R., & Kelly, J.B. (2004a). Rejoinder to Gardner's 'Commentary on Kelly and Johnston's 'The Alienated Child: A Reformulation of Parental Alienation Syndrome.' *Family Court Review*, 42(4), 622-628.
- Johnston, J.R., & Kelly, J.B. (2004b). Commentary on Walker, Brantley, and Rigsbee's (2004) 'A Critical Analysis of Parental Alienation Syndrome and Its Admissibility in the Family Court.' *Journal of Child Custody*, 1(4), 77-89.
- Johnston, J.R., Walters, M.G., & Olesen, N.W. (2005). Is It Alienating Parenting, Role Reversal or Child Abuse? A Study of Children's Rejection of a Parent in Child Custody Disputes. *Journal of Child Custody*, 5, 191-218.
- Jordan v. Jordan*, 14 A.3d 1136 (D.C. 2011).
- Jordan v. Jordan*, Brief of Appellant, FM - 10-FM-375 (2010)(on file with author)
- Kelly, J., & Johnston, J. (2001). The Alienated Child: A Reformulation of Parental Alienation Syndrome. *Family Court Review*, 39(3), 249-266.
- Lasseur, D., & Meier, J. (2005). Response to the Father and Families "Critique of the Scientific Basis for Key Assertions in Breaking the Silence: Children's Stories" (on file with the author).
- Leshner, M., & Neustein, A. (2005). *From Madness to Mutiny: Why Mothers Are Running from the Family Courts – and What Can Be Done about It*. Lebanon, NH: University Press of New England.
- Lewis-O'Connor, A., Sharps, P.W., Humphreys, J., Gary, F.A., & Campbell, J. (2006). Children Exposed to Intimate Partner Violence. In M.M. Feerick & G.B. Silverman (Eds.), *Children Exposed to Violence* (pp. 3-28). Baltimore: Paul H. Brookes Publishing Co.
- Licata v. Licata* (2003). Brief and Appendix for Defendant-Respondent, Docket No. A-00660-02T3, Superior Court of New Jersey Appellate Division, June 1, 2003.
- Meier, J. (2010). Getting Real about Abuse and Alienation: A Response to Drozd and Olesen. *Journal of Child Custody*, 7:4, 219-252.

Meier, J. (2003). Domestic Violence, Child Custody and Child Protection: Understanding Judicial Resistance and Imagining the Solutions. *American University Journal of Gender, Social Policy & the Law*, 11(2), 657-731.

Morris, A. (2004, September). The Story of Naming Maternal Alienation: New Research Enters Policy and Practice. Paper presented at Home Truths Conference, Melbourne, Australia. Retrieved November 26, 2008, from www.thelizlibrary.org/liz/maternalalienation.doc

Myers, J., Berliner, L., Briere, J., Hendrix, C.T., Jenny, C., & Reid, T.A. (Eds.). (2002). *The APSAC Handbook on Child Maltreatment* (2nd ed.). Thousand Oaks, CA: Sage Publications.

Neustein, A., & Goetting, A. (1999). Judicial Responses to the Protective Parent's Complaint of Child Sexual Abuse. *Journal of Child Sexual Abuse* 8(4),103-122.

Martine "Tina" Oates v Michael "Micky" Oates, 2010 Ark. App. 345

O'Sullivan, C. S. (2010). *Custody Evaluations when There Are Allegations of Domestic Violence: Findings and Implications for the Court*. AFCC Ninth Symposium on Child Custody Evaluations, October 28-30, 2010, Cambridge, MA.

Parental Alienation Awareness Organization. (n.d.). Parental Alienation Awareness. Retrieved November 26, 2008, from <http://www.parental-alienationawareness.com/awariness-articles.asp>

Parental Alienation Awareness Organization-United States. (n.d.). What's new. Retrieved November 26, 2008, from http://www.paaio-us.com/whats_new.html

Pearson, J. (1993). Ten Myths about Family Law. *Family Law Quarterly*, 27(2), 279-299.

Pennsylvania Child Welfare Resource Center. (2011). Curriculum and Handouts, Retrieved August 13, 2013 from <http://www.pacwcbt.pitt.edu/>

Curriculum/204%20Intake%20and%20Investigation/Handouts/HO%2011%20Knowingly%20False%20Reports.pdf

People v. Fortin, 289 A.2d 590 (N.Y.App. Div. 2001).

People v. Loomis, 658 N.Y.S.2d 787 (N.Y.Ct.Ct. 1997).

Petition in Accordance with Inter-American Commission on Human Rights, Retrieved November 26, 2008, from <http://www.stopfamilyviolence.org/ocean/host.php?folder=133&page=468&T=>

Ragland, E.R., & Field, H. (2003). Parental Alienation Syndrome: What Professionals Need to Know. *Update Newsletter*, 16(6). Alexandria, VA: National District Attorneys Association's American Prosecutors Research Institute. Retrieved October 30, 2005, from www.ndaa.org/publications/newsletters/update_volume_16_number_6_2003.html

Righthand, S., Kerr, B., & Drach, K. (2003). *Child Maltreatment Risk Assessments: An Evaluation Guide*. NY: Routledge.

Rueda, C.A. (2004). An Inter-Rater Reliability Study of Parental Alienation Syndrome. *The American Journal of Family Therapy*, 32, 391-403.

Smith, R., & Coukos, P. (1997). Fairness and Accuracy in Evaluations of Domestic Violence and Child Abuse in Custody Determinations. *The Judges' Journal*, 36(4), 38-42, 54-56.

Saunders, D., Faller, K. & Toman, R. (2011). *Child Custody Evaluators' Beliefs About Domestic Abuse Allegations: Their Relationship to Evaluator Demographics, Background, Domestic Violence Knowledge and Custody-Visitation Recommendations*, Final Technical Report submitted to the National Institutes of Justice.

Silberg, J. (2013). *When Allegations of Abuse Intersect with Intimate Partner Violence, Divorce and Separation*, Presentation to Child Welfare Agency of Montgomery County (on file with author)

Silberg, J., Dallam, S. & Samson, E. (2013). *Crisis in a Family Court: A Look at Turned-Around Cases*. Final report submitted to the Office on Violence Against Women, Department of Justice.

Snyder v. Cedars, 2006 Conn. Super. LEXIS 520 (2009)

Steinberger, C. (2006). Father? What Father? Parental Alienation and its Effect on Children. *Law Guardian Reporter*, 22(3). Published by the Appellate Divisions of the Supreme Court of the State of New York August, 2006 Volume XXII, Issue III. Retrieved November 26, 2008, from [http:// www.drhavlicek.com/Parent%20Alienation%20Effects%20on%20Children.htm](http://www.drhavlicek.com/Parent%20Alienation%20Effects%20on%20Children.htm)

Talan, J. (2003). The debate rages on . . . In Death, Can He Survive? *Newsday.com* July 1, 2003. Retrieved November 12, 2008, from www.leadershipcouncil.org/1/pas/talan.html

Thoennes, N., & Tjaden, P. (1990). The Extent, Nature, and Validity of Sexual Abuse Allegations in Custody/Visitation Disputes. *Child Abuse and Neglect*, 14, 151-163.

Trocme, N., & Bala, N. (2005). False Allegations of Abuse and Neglect When Parents Separate. *Child Abuse & Neglect*, 29(12), 1333-1345.

Waller, G. (Producer). (2001). *Small Justice: Little Justice in America's Family Courts* [Motion picture]. Seattle, WA: Intermedia Inc.

Wallerstein, J.S., & Kelly, J.B. (1976). The Effects of Parental Divorce: Experiences of the Child in Early Latency. *American Journal of Orthopsychiatry*, 46(1), 20-32.

Wallerstein, J.S., & Kelly, J.B. (1980). *Surviving the Breakup: How Children and Parents Cope with Divorce*. New York: Basic Books.

Wallerstein, J.S., Lewis, J.M., & Blakeslee, S. (2000). *The Unexpected Legacy of Divorce: A 25 Year Landmark Study*. New York: Hyperion Books.

Wilkins v. Ferguson, 928 A.2d 655 (D.C. 2007) (Litigation file in possession of author)

Wood, C. (1994). The Parental Alienation Syndrome: A Dangerous Aura of Reliability. *Loyola of Los Angeles Law Review*, 27, 1367-1415.

Zorza, J. (1992). 'Friendly Parent' Provisions in Custody Determinations. *Clearinghouse Review*, 29, 921-925.

Distribution Rights: This Applied Research paper and In Brief may be reprinted in its entirety or excerpted with proper acknowledgement to the author(s) and VAWnet (www.vawnet.org), but may not be altered or sold for profit.

Suggested Citation: Meier, J. (2013, September). *Parental Alienation Syndrome and Parental Alienation: A Research Review*. Harrisburg, PA: VAWnet, a project of the National Resource Center on Domestic Violence. Retrieved month/day/year, from: <http://www.vawnet.org>



National Resource Center
on Domestic Violence

3605 Vartan Way • Harrisburg, PA 17110 • 800.537.2238 • TTY: 800.553.2508 • Fax 717.545.9456

The production and dissemination of this publication was supported by Grant Number 90EV0410 from the Department of Health and Human Services, Family Violence Prevention and Services Program. Its contents are solely the responsibility of the authors and do not necessarily represent the official views of the HHS, VAWnet, or the National Resource Center on Domestic Violence.

In Brief: Parental Alienation Syndrome and Parental Alienation

Joan Meier

Parental Alienation Syndrome (PAS) and Parental Alienation (PA) are commonly raised to combat a mother's allegations that a father is abusive and that his access to the children should be restricted. While PAS and PA are sometimes used interchangeably, they have separate origins, and are pointedly distinguished by their originators. They are also not equally subject to legal challenge.

PAS was invented by Richard Gardner in the 1980's to explain what he considered to be an epidemic of child sexual abuse allegations in custody litigation. Gardner claimed, with no empirical basis, that the vast majority of such allegations are false, but were fabricated by vengeful or pathological mothers. Credible and extensive empirical research has demonstrated that the assumptions underpinning PAS, including that child sexual abuse allegations are rampant, and generally false, are themselves entirely false. Over time, the strange assumptions underlying Gardner's theory have been critiqued and the validity of a scientific "syndrome" has been roundly rejected by numerous legal and psychological professional and expert bodies and researchers. Gardner's apologist attitude toward pedophilia has contributed to the discrediting of PAS. While this has not ended reliance on PAS within courts and policymakers, it has reduced its use. To date, the only published opinions addressing the admissibility of PAS have ruled against it.

However, Parental Alienation has risen from the ashes of PAS. PA (or "child alienation") has been defined by leading well-regarded researchers, many of whom have rejected the validity of PAS, as addressing cases where a child expresses "unreasonable negative feelings and beliefs" (including fear) about a parent "that are significantly disproportionate to that child's actual experience with that parent." The key difference between this definition and the way PAS has been understood is that PA recognizes the different factors that can cause a child to be alienated from a parent. These researchers have also found that the disliked parent often contributes to a child's alienation.

In theory, this broader and more balanced approach to children's estrangement from a parent should be less likely to undermine abuse allegations and protective parents' attempts to keep their children safe. In practice, however, PA has been used in court in largely identical fashion to PAS: to penalize mothers who allege that the father is unsafe for the children, and to label them "alienators." While the research demonstrates no correlation between alienating conduct and being a victim of battering, these writers and many evaluators still often treat battered mothers as alienators when they allege that a father is unsafe.

Helpful New Research

Recent federally funded research has demonstrated that custody evaluators tend to fall into two categories: those who know about domestic violence and consider it important in custody litigation, and those who do not. This research confirms that those who do not have an in-depth understanding of domestic violence also tend to label abuse allegations "alienation" and rarely identify abuse as a serious concern. Sadly, alienation labeling has also entered child welfare agency practices, who frequently discount and sometimes even turn against mothers who report child abuse by a father, particularly in context of custody or visitation litigation. Consistent with these findings, preliminary results of very new research into "turned-around" cases (i.e., those in which a first court fails to believe abuse and protect a child, and a second court recognizes abuse and protects the child) is demonstrating that alienation labeling plays a substantial role in courts' refusals to believe abuse and protect children.

For all these reasons, once the alienation label is applied either in a court or child welfare proceeding, it is extremely difficult to achieve safety for at-risk children and the risk of mothers losing custody increases.

An Abuse-Sensitive Approach to Parental Alienation

The full paper lays out a seven-step approach to addressing PA allegations in a case where abuse is also alleged. The core premise is that abuse must be fully adjudicated or evaluated before alienation theory may be considered. If followed faithfully, this approach would exclude PA labeling from all valid abuse cases, except insofar as alienation is a part of a batterer's abusive pattern.

Strategic Considerations

It is critically important for litigants to make an explicit record challenging the scientific validity of PAS as a theory, and of PA where it is applied to deny abuse allegations. This will normally require an expert witness with background in domestic violence, child abuse, and parental alienation theory. While such testimony may not succeed at trial, it may help make a record that could support a reversal on appeal. And while such experts can be costly, occasionally a pro bono expert can be found with the help of national organizations with this expertise.

A second strategy consideration concerns the fact that many batterers are themselves alienators of the children from their mother. It is difficult for domestic violence advocates, lawyers, and litigants to adopt this concept even where it might help their case, given that the label is used to deny abuse most of the time. However, it is to be hoped that courts will take alienation at least as seriously when an abuser commits it, as when a mother alleging abuse is viewed as an alienator. Individual litigants must come to terms with their own comfort level on this issue. However, an alternative term, "domestic violence by proxy" may be useful.

See the full Applied Research paper: Meier, J. (2013, September). *Parental Alienation Syndrome and Parental Alienation*. Harrisburg, PA: VAWnet, a project of the National Resource Center on Domestic Violence. Available at: <http://www.vawnet.org>

The production and dissemination of this publication was supported by Grant Number 90EV0410 from the Department of Health and Human Services, Family Violence Prevention and Services Program.

the 1990s, the number of people with a mental health problem has increased in the UK (Mental Health Act 1983).

There is a growing awareness of the need to improve the lives of people with mental health problems. The Department of Health (1999) has set out a strategy for mental health care in the UK. The strategy is based on the following principles:

• People with mental health problems should be treated as individuals, with their own needs and wishes.

• People with mental health problems should be given the opportunity to participate in decisions about their care.

• People with mental health problems should be given the opportunity to live in the community.

• People with mental health problems should be given the opportunity to work and to study.

• People with mental health problems should be given the opportunity to live a full and active life.

• People with mental health problems should be given the opportunity to be part of a community.

• People with mental health problems should be given the opportunity to be part of a family.

• People with mental health problems should be given the opportunity to be part of a society.

• People with mental health problems should be given the opportunity to be part of a world.

• People with mental health problems should be given the opportunity to be part of a future.

• People with mental health problems should be given the opportunity to be part of a better world.

• People with mental health problems should be given the opportunity to be part of a brighter future.

• People with mental health problems should be given the opportunity to be part of a more just world.

• People with mental health problems should be given the opportunity to be part of a more peaceful world.

• People with mental health problems should be given the opportunity to be part of a more caring world.

• People with mental health problems should be given the opportunity to be part of a more loving world.

• People with mental health problems should be given the opportunity to be part of a more hopeful world.

• People with mental health problems should be given the opportunity to be part of a more optimistic world.

• People with mental health problems should be given the opportunity to be part of a more positive world.

• People with mental health problems should be given the opportunity to be part of a more successful world.

• People with mental health problems should be given the opportunity to be part of a more prosperous world.

• People with mental health problems should be given the opportunity to be part of a more abundant world.

• People with mental health problems should be given the opportunity to be part of a more generous world.

• People with mental health problems should be given the opportunity to be part of a more kind world.

• People with mental health problems should be given the opportunity to be part of a more compassionate world.

• People with mental health problems should be given the opportunity to be part of a more merciful world.

• People with mental health problems should be given the opportunity to be part of a more forgiving world.



1706 E. Broad Street
Columbus, OH 43203
Phone: 614-827-1321
Toll Free: 877-402-7722
Fax: 614-251-6005
Web: www.apsac.org
E-Mail: apsac@apsac.org

APSAC POSITION PAPER ON ALLEGATIONS OF CHILD MALTREATMENT AND INTIMATE PARTNER VIOLENCE IN DIVORCE/PARENTAL RELATIONSHIP DISSOLUTION¹

INTRODUCTION

The American Professional Society on the Abuse of Children (APSAC) is the leading national organization supporting professionals who serve children and families affected by child maltreatment and violence. APSAC envisions a world where all maltreated or at-risk children and their families have access to the highest level of professional commitment and service. This position paper provides guidance about child safety and well-being when parents are dissolving or have dissolved their relationship.

Approximately half of U.S. marriages terminate in divorce (Kreider & Ellis, 2011), with an increase in the proportion of divorces occurring between couples with young children (*Children Divorce Statistics*, 2013). Unmarried couples with children also dissolve their relationships.² Most marriage/relationship dissolutions with children do not involve disputes over child custody and visitation. However, a modest percentage do involve custody/visitation disputes, including cases where child maltreatment and intimate partner abuse are alleged (Hans, Hardesty, Haselschwerdt, & Frey, 2014; Thoennes & Tjaden, 1990). Interpersonal violence is defined in this document to subsume child maltreatment, APSAC's most important concern, and intimate partner violence. Child maltreatment includes child physical, sexual, and emotional abuse, and child neglect. Intimate partner violence includes physical, sexual, economic, and emotional abuse of an intimate partner. Intimate partner violence in the presence of children is psychological child abuse. Childhood experience of and exposure to interpersonal violence constitute child welfare, public health, and legal problems, with lifelong physical health, mental health, and behavioral consequences (Adverse Childhood Experiences Study, <http://www.cdc.gov/violenceprevention/acestudy/>; Centers for Disease Control and Prevention, 2014, <http://www.cdc.gov/violenceprevention/childmaltreatment/consequences.html#>).

¹ Situations where interpersonal violence leads to relationship dissolution, where it is reported after the relationship has dissolved, and where there is an existing custody/visitation arrangement that is challenged because of concerns about interpersonal violence are all situations to which this position paper applies.

² This document is intended to address both relationships where adults are formally married and those where parents were never married, but have children in common.

Allegations of interpersonal violence when parents are separating, separated, divorcing, or divorced elicit skepticism not found in other circumstances when child maltreatment and intimate partner violence are alleged (e.g., Campbell, 2013; Gardner, 1998; Saunders, Tolman, & Faller, 2013). Professionals who encounter these cases in their practice need guidance about: 1) case assessment, 2) case management, 3) standards for assisting agencies and courts, and 4) best practice for intervention. Moreover, professionals need to understand the research findings on: 1) the proportion of these allegations that are true, not true, and uncertain (e.g., Thoennes & Tjaden, 1990; Trocme & Bala, 2005), 2) children as reporters and witnesses of maltreatment (e.g., Bottoms, Najdowski, & Goodman, 2009), 3) the disclosure process for children who have been victimized (e.g., Rush, Lyon, Ahern, & Quas, 2014), 4) current thinking about Parental Alienation Syndrome (PAS) (e.g., Saini, Johnston, Fidler, & Bala, in press), the Alienated Child (Kelly & Johnston, 2001), the Estranged Child (Saini et al., in press), and the more recently articulated Parental Alienation Disorder (PAD) (APSAC, February 24, 2010; Bernet, von Boch-Galhau, Baker, & Morrison, 2010), and 5) the impact of intimate partner violence on parenting ability (Gustafsson, Coffman, & Cox, 2015; Lapierre, 2010). Without knowledge in these domains, professionals are at risk for failure to provide children the highest level of professional commitment and service and potentially contributing to injustice or ongoing child maltreatment.

Critical Issues when Interpersonal Violence is Alleged and Parents are Dissolving or have Dissolved their Relationship

Child safety must take precedence

In child protection cases addressed in the public child welfare system, child safety is the first priority, followed by child permanency and well-being (Child Welfare Information Gateway, 2013). In situations of partner abuse, victim safety is the first priority (United States Department of Justice. Office on Violence Against Women, 2007). It is APSAC's position that the same safety standards should be employed when there are allegations of interpersonal violence in cases of marital/relationship dissolution. Child safety and well-being should be the highest priority.

It is also APSAC's position that parental rights of access to offspring should not take precedence over child safety. The "friendly parent" standard, which is found in child custody statutes in the majority of states

(http://apps.americanbar.org/legalservices/probono/childcustody/general_dv_statutes.pdf), should not be invoked when child or parent safety is a significant concern.

Finally, it is APSAC's position that the "best interest of the child" to have contact with both parents should not be used as a rationale for exposing the child to risk of interpersonal violence.

Professionals need to differentiate interpersonal violence investigation/assessment from child custody evaluations

In situations of marital/relationship dissolution, the allegation of interpersonal violence needs to be addressed before issues of custody and visitation can be addressed. Child protection and law enforcement are mandated by law to investigate allegations of child maltreatment. It is not

appropriate for these mandated professionals to defer to custody evaluators or domestic relations courts. Nor is it appropriate for custody evaluators to undertake evaluations in cases involving interpersonal violence, relying only upon traditional strategies used in custody evaluations (American Psychological Association, 2010). To evaluate allegations of interpersonal violence in custody cases, professionals must have specialized knowledge (Association of Family and Conciliation Courts, 2006; Dalton, Drozd, & Wong, 2006).

Best practice for evaluation of allegations of interpersonal violence and relationship dissolution cases

If the allegations of interpersonal violence are not resolved or appear inadequately addressed by the mandated investigators (child protective services, law enforcement), APSAC recommends a comprehensive family evaluation by mental health professionals with expertise in interpersonal violence and potential reasons for children's preference for one parent over the other. APSAC also recommends, whenever feasible, a team approach be used in evaluation of these cases. A team approach can mediate individual bias.

Evaluators should conduct more than a single interview with children and consider conducting an extended assessment (e.g., Faller & Nelson Gardell, 2010). Evaluators should rely upon multiple methods of data collection. In most cases, these methods are: 1) document review, 2) interviews with all family members, 3) collateral contacts with professionals and others, 4) use of screening measures, and 4) psychological testing of parents and children. When evidence-based screening and testing measures are employed; evaluators should interpret test results through a trauma lens (Dalton et al., 2006; Saunders, 2015) and be aware that psychological test findings cannot determine whether or not a child has been maltreated. Caution should be exercised in employing parent-child interactions because of their potential to traumatize children; how the child and parent behave during such interactions is not a valid indication of whether or not there has been interpersonal violence (Bancroft & Silverman, 2002; Faller, Froning, & Lipovsky, 1991).

Evaluators should consider multiple hypotheses for understanding the allegations of interpersonal violence, using a rule out approach for specific hypotheses, based upon the data gathered. These hypotheses include, but are not limited to: 1) that child maltreatment and/or intimate partner violence have occurred, 2) that there has been inappropriate behavior by one or both parents, but it does not rise to the level of interpersonal violence, 3) that concerns about interpersonal violence are based upon misperceptions and/or misinterpretations of information, 4) that some interpersonal violence has occurred, but it is embellished or exaggerated, 5) that the allegation of interpersonal violence is a consciously made false allegation by a child, parent, or both, and 6) that the child has become alienated from one parent and bonded to the other (see Appendix 1 for definitions of types of alienation). More than one hypothesis/dynamic may exist in a given case.

The evaluation report should include data gathered from all sources: 1) relevant background information, 2) findings from interviews with children and caretakers, 3) findings from any collateral contacts, 4) results from screening and testing of parents and children, if employed,

and 5) observations about parent-child interactions, if employed. The report should provide specific descriptions of any interpersonal violence allegations and most likely explanations for the allegations. The report should include the professional's opinion about whether the interpersonal violence allegations are likely, unlikely, or uncertain (Faller & DeVoe, 1995; Thoennes & Tjaden, 1990)³ and conclusions about other dynamics in the child and parent relationships.

Best practice for case management of marital/relationship dissolution cases with interpersonal violence allegations

Comprehensive family evaluations may conclude with the following dispositions: 1. interpersonal violence likely, 2. interpersonal violence unlikely, or 3. interpersonal violence uncertain.

If interpersonal violence is determined to be likely, except in very unusual circumstances, the non-violent parent should receive custody. The recommendation for ongoing custody and visitation must also integrate this determination with other facts about the child needs, parent circumstances, and parent behaviors. In cases where there is significant evidence of interpersonal violence, supervised visitation may be recommended. Custody and visitation arrangements in these cases often require regular review to assure the child's safety and well-being.

If intimate partner violence is determined likely, best practice is to screen for severity (e.g., potential lethality), frequency, patterns of violence and coercive control, and primary perpetrator of the violence (Jaffe, Johnston, Crooks, & Bala, 2008). The risk to the child and the victim of intimate partner violence should determine whether there is any contact and safeguards for the child. (See Jaffe et al., 2008 for options for contact with the violent parent.)

If interpersonal violence is determined to be unlikely, the best interest of the child and case specific factors should determine the custody and visitation arrangement. If interpersonal violence is determined unlikely, one possible explanation for the false allegation may be an attempt to alienate the child from a parent. Significant evidence of intentional indoctrination by a parent should be considered in determining best interest. Such indoctrination is a form of psychological maltreatment. If interpersonal violence is determined to be unlikely and the child is alienated from the accused parent, professionals may recommend treatment of the child, treatment of the accused parent-alienated child dyad, or treatment involving both parents and the child to address this alienation (e.g., Deljavan, Saini, & Deutsch, 2015; Johnston & Goldman, 2010; Warshak, & Otis, 2010).

If interpersonal violence is determined to be uncertain, the best interest of the child and case specific factors should determine the custody and visitation arrangement. Professionals need to be mindful that failure to prove interpersonal violence does not prove that violence has not occurred nor that the child has been indoctrinated by the non-accused parent.

³ These terms are used to characterize conclusions because it will be atypical for evaluators to be 100% certain that interpersonal violence did or did not occur.

If the child visitation is to be unsupervised, APSAC recommends the following intervention. A therapist for the child who is trained in working on cases involving interpersonal violence should be engaged. The therapist negotiates two contracts, one with the child and the non-accused parent and a second with the child and the accused parent, regarding appropriate and inappropriate touch and behaviors. Each parent should give the child explicit permission to report to the therapist any inappropriate touches or behaviors. For several months, the therapist should meet with the child shortly after visits and specifically inquire about appropriate and inappropriate touches and behaviors involving both parents. (Hewitt, 1991, 2008)

Current Status of the Knowledge about Parental Alienation

Child attitudes and behaviors that reflect alienation of the child from one parent and strong bonding toward the other can occur in the context of divorce/custody disputes, especially in high conflict divorce (e.g., Kelly & Johnston, 2001; Polak & Saini, 2015; Saini, Johnston, Fidler, & Bala, in press). As noted in the assessment section of this paper, evaluators should consider multiple hypotheses when they encounter these dynamics.

There are three challenges regarding the concept of Parental Alienation. The first is the lack of definitional clarity. A second and related issue is its questionable basis as a psychiatric diagnosis. The third is its limited empirical data.

Lack of Definitional Clarity

With regard to the first issue, Parental Alienation is used to refer to more than one concept. For instance, Parental Alienation may refer to the attitudes and behavior of a child toward a parent (Bernet et al., 2008). It can also refer to the array of tactics a parent may use that have the potential to negatively influence a child's relationship with, beliefs about, and/or wish to spend time with the other parent (e.g., Gardner, 1998). Parental alienation has also been proposed to explain both why allegations of interpersonal violence are false and why false allegations of interpersonal violence arise in situations of parental divorce and relationship dissolution (e.g., Gardner). See Appendix 1 for definitions APSAC accepts for Parental Alienation Syndrome, Parental Alienation Disorder, Parental Alienation Behavior, the Alienated Child, and the Estranged Child.

Using the term, "The Alienated Child," Kelly and Johnston (2001) reformulated the concept and theory to exclude the assumption that one parent is the principal focus of the child's negative stance, allowing multiple factors including neglectful and abusive behavior to be considered as contributing factors.

Questionable Diagnosis

A second challenge is whether Parental Alienation constitutes a psychiatric diagnosis. Advocates for Parental Alienation Syndrome (PAS) and Parental Alienation Disorder (PAD) sought its inclusion in both DSM-IV and DSM-5 as a specific psychiatric disorder (Bernet, Boch-Galhau, Kenan, Kinlan, Lorandos, Sauber, Sood, & Walker, 2008). The DSM-5 expert panel on childhood disorders determined not to include PAS/PAD into the DSM-5 primarily because it fails to meet the criteria for a psychiatric (mental) disorder within the individual child. At most it

could be viewed as a parent-child relational problem (V code 61.20), which falls under the general category, “Other Conditions that May Be the Focus of Clinical Attention” in the DSM-5 (American Psychiatric Association, 2013).

Limited Empirical Basis

Third, the limitations of the empirical base for PAS/PAD have been noted by a number of professionals (e.g., Faller, 1998; Meier, 2011; Pepiton, Alvis, Allen, & Logid, 2012) and represent another reason it was not included as a distinct diagnostic entity in DSM-5. There is, however, a voluminous body of literature about Parental Alienation, for both professionals and the public. This literature extends across national borders, attesting to the high salience of this matter as a social policy issue. However, closer scrutiny indicates that, at this time, the bulk of this literature is clinical opinion, descriptive and anecdotal accounts, and polemics heavily influenced by advocates (Saini, Johnston, Fidler & Baler, 2012, 2016 in press).⁴

PAS/PAD is, at best, a non-diagnostic syndrome (Myers, 1997). That is, if it is proven that no maltreatment or intimate partner violence has occurred, one possible explanation for the false allegation may be an attempt to alienate the child from the accused parent. Research indicates, however, that the majority of false allegations of maltreatment in the context of divorce/custody/visitation disputes derive from misinterpretations or misperceptions rather than calculated false allegations (Bala, et al., 2007; Faller & DeVoe, 1995; Thoennes & Tjaden, 1991).

Protocols and Special Courts for Marital/relationship Dissolution Cases with Interpersonal Violence Allegations

APSAC recommends the further development of protocols for coordinated investigation/assessment and case management of allegations of interpersonal violence and marital/relationship dissolution (Dalton, Drozd, & Wong, 2006; National Council of Juvenile and Family Court Judges, 2008). APSAC also recommends the piloting of special courts to handle these cases. Special courts have proven effective in fostering better outcomes in child protection cases involving infants and toddlers (Florida Supreme Court, 2014, <http://www.floridasupremecourt.org/>), with adults with substance abuse problems (National Association of Drug Court Professionals, 2014 <http://www.nadcp.org/>), and with adults with mental health problems (Mental Health America, 2014, <http://www.mentalhealthamerica.net/positions/mental-health-courts>). Most jurisdictions in Australia have protocols and special courts for handling cases involving marital/relationship dissolution and interpersonal violence allegations (e.g., Brown, 2002).

⁴ The most comprehensive review of empirical studies on alienation to date (Saini, Johnston, Fidler & Baler, 2012, 2016 in press) indicates they number only 44 plus 11 dissertations. Moreover, systematic rating of the quality of these empirical studies indicates that, as a group, they are methodologically weak with very limited ability to generalize the results (page 435); “They are plagued by small non-random samples, data analyzed retrospectively, the use of descriptive statistics rather than mathematically calculated comparisons, a lack of consensus on the definitions of alienation, and the use of varying, non-standardized measures and procedures (page 405). See Appendix 2 for greater detail about the limitations of the research on PAS/PAD.

Call for Research

Although there are a number of older U.S. studies that afford an appraisal of allegations of interpersonal violence that have led to custody and visitation disputes (e.g., Faller & DeVoe, 1995; Thoennes & Tjaden, 1991; Trocme & Bala, 2005), there is an urgent need for current research, especially with regard to child maltreatment allegations. A critical issue for research is the long-term outcomes for families and their children in cases with allegations of interpersonal violence and marriage/relationship dissolution (but see Johnston & Goldman, 2010). The Department of Justice, the Centers for Disease Control, and the Children's Bureau are all appropriate federal agencies that could and should support such research.

Need for Professional Training

APSAC has identified the need for evidence-based training of key professionals who encounter children and families where there are allegations of interpersonal violence and marital/relationship dissolution. Lack of adequate training can result in practice and decisions that do not protect children. APSAC further recommends that state licensing boards and professional membership organizations endorse specialized training for professionals whose practice involves cases with allegations of interpersonal violence and marital/relationship dissolution.

Issues that need to be addressed in training are: 1) appropriate strategies for assessment/investigation of allegations of interpersonal violence, 2) appropriate case management strategies in these cases, 3) prevalence and incidence rates of true, uncertain, and false allegations of interpersonal violence in situations of marital/relationship dissolutions, 4) appropriate custody/visitation arrangements in cases where interpersonal violence has been determined to be a) likely, b) unlikely, or c) uncertain, and 5) the current state of knowledge about parental alienation.

Professionals who require training include clinicians who are providing treatment to children in marital/relationship dissolution situations, judges handling domestic relations court cases, lawyers representing children and adults in domestic relations courts, child custody evaluators in the public and private sector, child protection investigators, and law enforcement officers.

References

- Adverse Childhood Experiences (ACES) (2014).
<http://www.cdc.gov/violenceprevention/acestudy/>
- American Psychological Association. (2010). *Guidelines for Child Custody Evaluations in Family Law Proceedings*. www.apa.org/practice/guidelines/child-custody.pdf.
- American Psychiatric Association. (2013). *Diagnostic and Statistical Manual of Mental Disorders, 5th Edition: DSM-5*. Arlington, VA: American Psychiatric Publishing.
- APSAC response to the proposal that Parental Alienation Syndrome (PAS) or Parental Alienation Disorder (PAD) be included in the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-V), to be published in 2013. (February 24, 2010). Available at Website: www.apsac.org.

- Association of Family and Conciliation Courts. (2006). *Model Standards of Practice for Child Custody Evaluation*.
<http://www.afccnet.org/Portals/0/ModelStdsChildCustodyEvalSept2006.pdf>.
- Bala, N., Mitnick, M., Trocme, N. & Houston, C. (2007). Sexual abuse allegations and parental separation: Smokescreen or fire? *Journal of Family Studies*, 13 (1), 26-56.
- Bancroft, L. R., & Silverman, J. G. (2002). *The batterer as parent: Addressing the impact of domestic violence on family dynamics*. Thousand Oaks, CA: Sage.
- Bernet, W. (2010). *Parental Alienation: DSM-5 and ICD-11*. Springfield, IL: Charles Thomas Publishers.
- Bernet, W., von Boch-Galhau, W., Baker, A., & Morrison, S. (2010) Parental Alienation, DSM-5, and ICD-11. *The American Journal of Family Therapy*, 38 (2), 76-187.
- Bernet, W, Boch-Galhau, W., Kenan, J., Kinlan, J., Lorandos, D., Sauber, R., , Sood, B., & Walker, J. (2008). *Proposal submitted to the Disorders in Childhood and Adolescence Work Group for the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition to have Parental Alienation Disorder included in the DSM-V*. Available from William Bernet, M.D., Department of Psychiatry, Vanderbilt University, Nashville, TN.
- Bottoms, B., Najdowski, C., & Goodman, G. (2009). *Children as victims, witnesses, and offenders*. New York: The Guilford Press.
- Brown, T. (2002). Magellan's Discoveries: An evaluation of a program for managing family court parenting disputes involving child abuse allegations. *Family Court Review*, 40(3), 320-328.
- Campbell, T. W. (2013). Sexual abuse allegations in the context of custody and visitation disputes. In D. Lorandos, W. Bernet, S. R. Sauber (Eds.), *Parental alienation: The handbook for mental health and legal professionals* (pp. 163-189). Springfield, IL: Charles C Thomas Publisher.
- Centers for Disease Control and Prevention.
<http://www.cdc.gov/violenceprevention/childmaltreatment/consequences.html#>
- Child Welfare Information Gateway. (2013). *How the child welfare system works*. Available at <https://www.childwelfare.gov/topics/responding/overview/>.
- Children Divorce Statistics*. (2013). Accessed at <http://www.children-and-divorce.com/children-divorce-statistics.html>.
- Dalton, C., Drozd, L., & Wong, F. (2006). *Navigating custody and visitation evaluations in cases with domestic violence: A judge's guide*. Reno, NV: National Council of Juvenile and Family Court Judges.
- Deljavan,, S., Saini , M., & Deutsch, R. (2015). An exploration of children's experiences in the Overcoming Barriers Family Camp. Poster at Association of Family and Conciliation Courts Conference, New Orleans, LA. Accessed at <http://overcomingbarriers.org/wp-content/uploads/2014/04/OB-Final-Poster-for-AFCC-2015.pdf>.
- Faller, K. C. & DeVoe, E. (1995). Allegations of sexual abuse in divorce. *Journal of Child Sexual Abuse*. 4(4), 1-25.
- Faller, K. C., Froning, M. & Lipovsky, J. (1991). The parent-child interview: Its use in evaluating child allegations of sexual abuse by the parent. *American Journal of Orthopsychiatry*, 61(4), 552-557.

- Faller, K.C., & Nelson-Gardell, D. (2010). Extended evaluations in cases of child sexual abuse: How many sessions are sufficient? *Journal of Child Sexual Abuse: Research, Treatment, & Program Innovations for Victims, Survivors, & Offenders*, 19 (6), 648-668.
- Gardner, R. (1991). *Sex abuse hysteria: Salem witch trials revisited*. Cresskill, N.J.: Creative Therapeutics.
- Gardner, R. (1992). *The parental alienation syndrome*. Cresskill, N.J.: Creative Therapeutics.
- Gardner, R. (1998). *The parental alienation syndrome. 2nd edition*. Cresskill, NJ: Creative Therapeutics.
- Gustafsson, H. C., Coffman, J. L., & Cox, M. J. (2015). Intimate partner violence, maternal sensitive parenting behaviors, and children's executive functioning. *Psychology of Violence*, 5(3), 266-274. doi:10.1037/a0037971.
- Hans, J. D., Hardesty, J. L., Haselschwerdt, M. L., & Frey, L. M. (2014). The effects of domestic violence allegations on custody evaluators' recommendations. *Journal of Family Psychology*, 28(6), 957-966. doi:10.1037/fam0000025.
- Hewitt, S. (1991). Therapeutic case management of pre-school cases of alleged but not substantiated sexual abuse. *Child Welfare* 70 (1), 59-67.
- Hewitt, S. (2008): Therapeutically managing reunification after abuse allegations. *Journal of Child Sexual Abuse*, 17 (1), 17-19.
- Jaffe, P., Johnston, J., Crooks, C., & Bala, N. (2008). Custody disputes involving allegations of domestic violence: Toward a differentiated approach to parenting plans. *Family Court Review*, 46 (3), 500-522.
- Jonhston, J. R., & Goldman, J. R. (2010). Outcomes of family counseling interventions with children who resist visitation: An addendum to Friedlander and Walters (2010). *Family Court Review*, 48 (1), 112-115. doi:10.1111/j.1744-1617.2009.01292.x
- Kelly, J. B., & Johnston, J. R. (2001). The alienated child: A reformulation of parental alienation syndrome. *Family Court Review. Special Issue: Alienated children in divorce*, 39 (3), 249-266.
- Kreider, R. & Ellis, R. (2011). *Number, Timing, and Duration of Marriages and Divorces*. Accessed at <http://www.census.gov/prod/2011pubs/p70-125.pdf>.
- Lapierre, S. (2010). More responsibilities, less control: Understanding the challenges and difficulties involved in mothering in the context of domestic violence. *British Journal of Social Work*, 40(5), 1434-1451. doi:10.1093/bjsw/bcp080.
- Lorandos, D., Bernet, W., Sauber, S.R. (2013). *Parental alienation: The handbook for mental health and legal professionals*. Springfield, IL: Charles Thomas Publishers.
- Meier, J. (2011). *Parental Alienation Syndrome & Parental Alienation: Research Reviews*. Harrisburg, PA: National Online Resource Center on Violence Against Women. Accessed at http://www.vawnet.org/advanced-search/print-document.php?doc_id=1679&find_type=web_desc_AR.
- Myers, J.E.B. (1997). *Evidence in child abuse and neglect cases (3rd edition)*. New York: John Wiley.
- National Council of Juvenile and Family Court Judges. (2008). *A judicial guide to child safety in custody cases*. Accessed October 19, 2015 from <http://www.ncjfcj.org/resource-library/publications/judicial-guide-child-safety-custody-cases>.

- Pepiton, M. B., Alvis, L., Allen, K., & Logid, G. (2012). Review essay: Is Parental Alienation Disorder a valid concept? Not according to scientific evidence. A review of Parental Alienation, DSM-5, and ICD-11 by William Bernet. *Journal of Child Sexual Abuse, 21*, 244-253.
- Polak, S., & Saini, M. (2015). Children resisting contact with a parent post separation: Assessing this phenomenon using an ecological systems framework. *Journal of Divorce and Remarriage, 56*, 220-247.
- Relevant Domestic Violence Statutory Citations*. Accessed on November 14, 2014 at http://apps.americanbar.org/legalservices/probono/childcustody/general_dv_statutes.pdf.
- Rosenthal, L., & McDonald, S. (2003). Seeking Justice: A review of the Second Report of the Defense Task Force on Domestic Violence. *Violence Against Women, 9* (9), 1153-1161. doi:10.1177/1077801203255549.
- Rush, E. B., Lyon, T. D., Ahern, E. C., & Quas, J. A. (2014). Disclosure suspicion bias and abuse disclosure: Comparisons between sexual and physical abuse. *Child Maltreatment, 19* (2), 113-118. doi:10.1177/1077559514538114.
- Saini, M., Johnston, J., Fidler, B., Bala, N. (in press). Empirical evidence of alienation: Updated review. In Leslie Drozd, Michael Saini & Nancy Olesen (Eds.), *Parenting plan evaluations: Applied research for the family court (2nd edition)*. New York: NY. Oxford University Press.
- Saunders, D. (2015). Research-based recommendations for child custody evaluation practices and policies in cases of intimate partner violence. *Journal of Child Custody, 12* (1), 71-92.
- Saunders, D. G., Tolman, R. M., & Faller, K. C. (2013). Factors associated with child custody evaluators' recommendations in cases of intimate partner violence. *Journal of Family Psychology, 27*, 473-483.
- Shiono, P., & Quinn, L. (1994). Epidemiology of divorce. *Future of Children, 4* (1), Spring/Summer.
- Thoennes, N., & Tjaden, P. (1990). The extent, nature, and validity of sexual abuse allegations in custody/visitation disputes. *Child Abuse & Neglect, 14*, 151-163.
- Trocme, N., & Bala, N. (2005). False allegations of abuse and neglect when parents separate. *Child Abuse & Neglect, 29* (12), 1333-1345.
- United States Department of Justice. Office on Violence Against Women. (December, 2007). *Guiding principles: Safe Havens: Supervised Visitation and Safe Exchange Grant Program*. Accessed at <http://www.justice.gov/sites/default/files/ovw/legacy/2008/08/06/guiding-principles032608.pdf>.
- Warshak, R. A., & Otis, M. R. (2010). Helping alienated children with Family Bridges: Practice, research, and the pursuit of 'humbition.'. *Family Court Review, 48* (1), 91-97. doi:10.1111/j.1744-1617.2009.01290.x

Participants in the first APSAC Think Tank, June, 2014:

Frank Vandervort, Viola Vaughn-Eden, David Corwin, Robert Geffner, Richard Ducote, Laura Merchant, Becki Kondkar, Carol Oseroff, Neha Menta, Sandi Capuano, Leslie Moreland, Kathleen Ecker, Michael Haney, Staci LeBlanc, Eunice Vasquez, Larry Rodriguez, Alicia

Rodriguez, Freeda Jusino, Angel Rodriguez, Ivan Colon, Lizbeth Alicea, Justin Dallacqua, Stuart Friedman, Betty Wade Coyle, Kathleen Coulborn Faller.

Participants in the second APSAC Roundtable/Think Tank, July 2015

Nicole Becht, Julie Stauffer, Gail McKenna, Tracey Allan, Debbie Hanna, Maria Da Graca Padilla, Maggie Yankov, Katie Haynes, Phillip Kaplan, Cindy Cheatham, Betty Wade Coyle, Dennis O'Brien, Kelly Champion, Kerri Spillane, Yacmin Rias, Robert Geffner, David Corwin, Kathleen Coulborn Faller

Special thanks to Daniel Saunders, William Bernet, Janet Johnston, Viola Vaughan-Eden, and David Corwin for their independent reviews.

Appendix 1: DEFINITIONS OF PARENTAL ALIENATION

Parental Alienation Syndrome (PAS)

References

Gardner, R. (1991). *Sex abuse hysteria: Salem witch trials revisited*. Cresskill, N.J.: Creative Therapeutics.

Gardner, R. (1992). *The parental alienation syndrome*. Cresskill, N.J.: Creative Therapeutics.

Gardner, R. (1998). *The parental alienation syndrome. 2nd edition*. Cresskill, NJ: Creative Therapeutics.

Richard Gardner (1992; 1998) coined and popularized the concept of "Parental Alienation Syndrome" as an explanation for allegations of child sexual abuse, then later domestic violence, and child physical abuse, in divorce. He regarded the vast majority of these allegations as false. He defined PAS as "a child's campaign of denigration against a parent that has no justification and that results from the combination of two contributing factors: programming or brainwashing by one parent, and the child's own contributions to the vilification of the target parent." He identified 8 symptoms in the child and differentiated mild, moderate & severe categories of PAS.

Symptoms in the child are as follows:

1. Campaign of denigration
2. Weak, frivolous, and absurd rationalizations for the denigration
3. Lack of ambivalence
4. The "independent thinker" phenomenon
5. Reflexive support of the alienating parent in the parental conflict
6. Absence of guilt over cruelty to and/or exploitation of the alienated parent
7. Presence of borrowed scenarios
8. Spread of animosity to the extended family of the alienated parent

Gardner's views about why children and parents make false allegations of sexual abuse in divorce, more specifically how children come to possess the sexual knowledge to make these allegations and why parents might make such allegations, are as follows. With regard to children, Gardner describes them as polymorphous perverse. To quote him, "Children normally exhibit just about any kind of sexual behavior imaginable: heterosexual, homosexual, bisexual, and

autosexual." In his opinion, "the normal child experiences and exhibits a wide variety of sexual fantasies and behaviors"(Gardner, 1991, p. 12; 1992, p. 124). To again quote Gardner, "A four year-old girl, for example, may harbor, among her collection of polymorphous perverse fantasies, thoughts of some kinds of sexual encounters with her father" (Gardner, 1992, p. 125). These sexual fantasies may also be triggered by media material on sex and by sexual abuse prevention programs. Gardner also believed that children make these allegations because they are cruel. For example, he has written, "What is striking is the degree of sadism that many of these children may exhibit. In many of these cases I have been impressed by what I consider to be the innate cruelty of these children..." (Gardner, 1992, pp. 119-120).

With regard to mothers, Gardner stated, "Each time the accusers make an accusation, they are likely to be forming an internal visual image of the sexual encounter. With each mental replay, the accusers gratify the desire to be engaging in the activities that the perpetrators are involved in in the visual imagery" (Gardner, 1991, p. 25). Alternatively, he proposed that mothers who make allegations of sexual abuse against their ex- or soon-to-be ex-partners are delusional (Gardner, 1992).

With regard to fathers, Gardner stated the alienated parent has "provided normal loving parenting or, at worst, exhibited minimal impairments in parenting capacity" (Gardner, 1992, p. xviii).

Research does not support Gardner's view of the "vast majority" of allegations in the context of parental dissolution are false and hence raises serious questions about Gardner's theory (Bala, Mitnick, Trocme, & Houston, 2007; Trocme & Bala, 2005, Thoennes & Tjaden, 1991).

Parental Alienation Disorder (PAD)

References:

- Bernet, W. (2010). *Parental Alienation: DSM-5 and ICD-11*. Springfield, IL: Charles Thomas Publishers.
- Bernet, W., von Boch-Galhau, W., Baker, A., & Morrison, S. (2010). Parental Alienation, DSM-V, and ICD-11. *The American Journal of Family Therapy*, 38 (2), 76-187.
- Bernet, W, Boch-Galhau, W., Kenan, J., Kinlan, J., Lorandos, D., Sauber, R., , Sood, B., & Walker, J. (2008). *Proposal is submitted to the Disorders in Childhood and Adolescence Work Group for the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition to have Parental Alienation Disorder included in the DSM-V*. Available from William Bernet, M.D. Department of Psychiatry, Vanderbilt University, Nashville, TN.

PAD is an updated version of PAS. Beginning in 2008, Bernet and colleagues attempted unsuccessfully to get PAD into the Diagnostic and Statistical Manual-5 (DSM-5) of the American Psychiatric Association (Bernet, et al.,2008).

PAD locates the diagnostic criteria in the child. They are as follows:

A. The child – usually the parents are engaged in a hostile divorce – allies himself or herself strongly with one parent and rejects a relationship with the other, alienated parent without

legitimate justification. The child resists or refuses visitation or parenting time with the alienated parent.

B. The child manifests the following behaviors:

- (1) a persistent rejection or denigration of a parent that reaches the level of a campaign
- (2) weak, frivolous, and absurd rationalizations for the child's persistent criticism of the rejected parent

C. The child manifests two or more of the following six attitudes and behaviors:

- (1) lack of ambivalence
- (2) independent-thinker phenomenon
- (3) reflexive support of one parent against the other
- (4) absence of guilt over exploitation of the rejected parent
- (5) presence of borrowed scenarios
- (6) spread of the animosity to the extended family of the rejected parent

D. The child's refusal to have visitation with the rejected parent is without legitimate justification. That is, Parental Alienation Disorder is not diagnosed if the rejected parent maltreated the child.

Parental Alienating Behaviors (PAB)

Reference:

Saini, M., Johnston, J., Fidler, B., Bala, N. (in press). Empirical evidence of alienation: Updated review. In Leslie Drozd, Michael Saini & Nancy Olesen (Eds). *Parenting plan evaluations: Applied research for the Family Court (2nd edition)*. New York: NY. Oxford University Press.

"Parental Alienating Behavior" [PAB] refers to false, malicious and unjustified negative beliefs, attitudes and behaviors by one parent about the other parent that have the purpose of sabotaging a child's relationship with and wish to spend time with the other parent (Saini, Johnston, Fidler, & Bala, in press).

The Alienated Child

Reference:

Kelly, J. B., & Johnston, J. R. (2001). The alienated child: A reformulation of parental alienation syndrome. *Family Court Review. Special Issue: Alienated Children in Divorce*, 39 (3), 249-266.

An alienated child is one who "expresses, freely and persistently, unreasonable negative feelings and beliefs (such as anger, hatred, rejection and/or fear and avoidance) towards a parent that are disproportionate to the child's actual experience with that parent."

The Estranged Child

Reference:

Saini, M., Johnston, J., Fidler, B., Bala, N. (in press). Empirical evidence of alienation: Updated review. In Leslie Drozd, Michael Saini & Nancy Olesen (Eds.). *Parenting plan evaluations: Applied research for the Family Court (2nd edition)*. New York, NY: Oxford University Press.

An “estranged” child is one who expresses reasonable negative feelings against one parent. A child may be estranged by virtue of having been maltreated by or having witnessed abuse by the target parent. A child can also be estranged because he/she perceives the targeted parent as responsible for the parental relationship dissolution, because of a prior problematic relationship with the targeted parent, because of poor parenting by the targeted parent, or because of parental lack of interest in the child. Problematic parental behaviors such as substance abuse and mental health issues may result in estrangement. Factors such as the child’s age, gender, and functioning can contribute to estrangement.

Appendix 2: LIMITATIONS OF THE RESEARCH ON PARENTAL ALIENATION

1. In the absence of large, representative samples and randomly-drawn comparison/control groups, there are no defensible estimates of prevalence of PAS/PAD, so that all arguments about expected proportions of PAS/PAD in different populations are speculative.
2. Although there is empirical evidence that the symptoms of PAS/PAD do cluster together to form a characteristic pattern of behavior amongst some children, there is insufficient research and consensus on the etiology, progression of, prognosis for, and treatment of the condition. At most, the symptoms make up a non-diagnostic syndrome.
3. According to definition of PAS/PAD, negative programming by the favored parent is perceived *a priori* as the main cause of the syndrome. This has led to a scarcity of research and assessment on other contributing factors that the might influence the child, including the behavior of the target parent.
4. Although proponents of PAS/PAD (e.g., Baker, Clawar & Rivlin, Gardner, Kopetski, Warshak) agree that substantiated abuse rules out a diagnosis of PAS, there is no agreement about a valid or reliable method for categorically excluding cases of interpersonal violence. Proponents of Parent Alienation mistakenly assume: 1) there is a clear line that differentiates between children who are abused and those who are not, and 2) that there exist reliable and valid ways to differentiate the two groups. These erroneous assumptions leave a whole sub-group of cases in question, where findings of abuse are “uncertain,” including: 1) cases of borderline abusive and inappropriate parental responses to the child’s difficult rejecting behavior, 2) allegations concerning infants and toddlers which cannot be determined because they lack communication skills, and 3) misinterpretations and mistaken perceptions by concerned parents who are no longer communicating with the other parent. All of these situations lie in the grey area between the dichotomy of an abuse/no abuse determination.