

Parental Alienation: Science and Law

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Outline of Presentation

- Definition of parental alienation
- Generally accepted in scientific community?
- Peer review and publication?
- Testing and scientific methodology?
- Legal precedents regarding parental alienation
- Misinformation regarding parental alienation

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DEFINITION OF PARENTAL ALIENATION

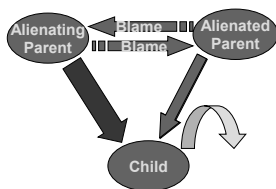
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Definition: "Parental Alienation"

- A child – usually one whose parents are engaged in a high-conflict separation or divorce – allies strongly with one parent (the preferred parent) and rejects a relationship with the other parent (the alienated parent) without a good reason.

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Causing PA is Child Maltreatment



5



CLINICAL VIGNETTES

6



PRIOR TO ALIENATION

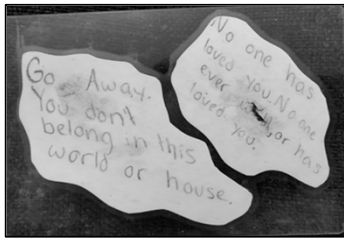
—

8-year-old girl.

—

“I love you Mom.”

7



SEVERE ALIENATION

—

Same girl, age 11.

—

“Go away. ... No one has loved you.”

8



PRIOR TO ALIENATION

—

9-year-old girl.

—

“Drum roll. Plese!”

9

**SEVERE
ALIENATION**

—

Same girl.

—

"Head unattached"

—

Courtesy, Good Egg
Safety, 2020

10

PRIOR TO ALIENATION

—

Drawing by 7-year-old girl.

—

"I love my Mom and Dad
and my hole famle."

11

PRIOR TO ALIENATION

—

Same girl.

—

"I love you."

12

SEVERE ALIENATION

This story is called He and She and the Kids.

She had the Kids.

She gave the kids to Him.

The Kids didn't want to go.

He gave the Kids back.

She had the Kids.

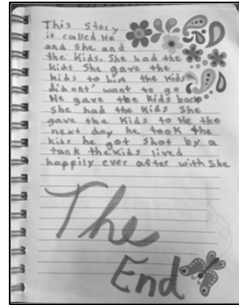
She gave the Kids to He.

The next day He took the Kids.

He got shot by a tank.

The kids lived happily ever after with She.

The End



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SEVERE ALIENATION

Same girl, age 10.

Fantasies of Dad's violent death.

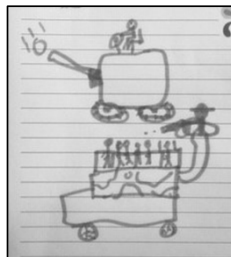


14

SEVERE ALIENATION

Same girl, age 10.

Fantasies of Dad's violent death.



15

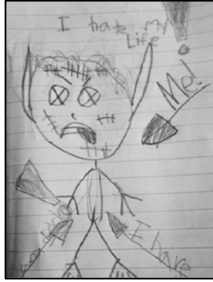
SEVERE ALIENATION

—

9-year-old girl.

—

An unhappy
drawing of herself.



16

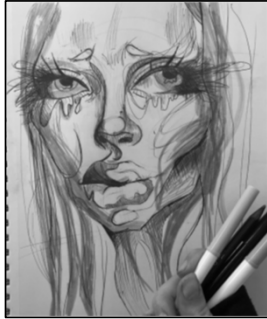
SEVERE ALIENATION

—

17-year-old girl.

—

An unhappy
drawing.



17

SEVERE ALIENATION

—


A different
17-year-old girl.

—

High school art show.



18



SEVERE ALIENATION


—

Same girl, age 17.

—

High school art show,
“Help me.”

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**FIVE-FACTOR MODEL FOR
THE DIAGNOSIS OF
PARENTAL ALIENATION**

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Recently Published in
Journal of Child and Adolescent Psychiatry

COMMENTARY

The Five-Factor Model for the Diagnosis of Parental Alienation

William Bernet, MD, and Laurence L. Greenhill, MD

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**Five-Factor Model
for the Diagnosis of Parental Alienation**

1. Child avoids or refuses relationship with a parent.
2. Prior positive relationship between child and rejected parent.
3. Absence of abuse, neglect, or seriously deficient parenting on the part of the rejected parent.
4. Use of multiple alienating behaviors by the favored parent.
5. Exhibition of behavioral signs of alienation by the child.

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Manifestations of Parental Alienation

- Sequence of mental events:
- FALSE STATEMENTS
- FALSE BELIEFS
- FALSE MEMORIES
- Alienated children act in a convincing manner, but they are driven by false beliefs and false memories.

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**What is the difference between
alienation and estrangement?**

- ALIENATION = child rejects a parent without a good reason. The child's rejection is far out of proportion to anything the rejected parent has done.
- ESTRANGEMENT = child rejects a parent for a good reason, such as history of abuse or neglect.

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**HAS THE SCIENTIFIC
COMMUNITY ACCEPTED
PARENTAL ALIENATION?**

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AACAP OFFICIAL ACTION

Practice Parameters for Child Custody Evaluation

Parental Alienation

There are times during a custody dispute when a child can become extremely hostile toward one of the parents. The child finds nothing positive in his or her relationship with the parent and prefers no contact. The evaluator must assess this apparent alienation and form a hypothesis of its origins and

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**Association of Family
and Conciliation Courts**

**Model Standards of
Practice for Child
Custody Evaluation**

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Association of Family and Conciliation Courts

- Model Standards of Practice for Child Custody Evaluations, 2006.
- “Areas of additional specialized training include ... the assessment of children’s resistance to spending time with a parent or parent figure and allegations of attempts to alienate children from a parent, parent figure, or significant other” (p. 9).

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Association of Family and Conciliation Courts

- Survey of 300 members who attended an AFCC conference on parental alienation in 2010.
- “Nearly all of the respondents to the survey (98%) endorsed the question, ‘Do you think that some children are manipulated by one parent to irrationally and unjustifiably reject the other parent?’”

A. J. L. Baker et al. (2011), Brief Report on Parental Alienation Survey, *Newsletter of Association of Family and Conciliation Courts*.

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APA Handbooks in Psychology

APA Handbook of
**Forensic
Psychology**

VOLUME 1
Individual and Situational Influences in
Criminal and Civil Contexts

Brian L. Cutler and Patricia A. Zapf, Editors-in-Chief

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CHAPTER 13
CHILD CUSTODY AND ACCESS
Marc J. Ackerman and Jonathan W. Gould

Child Alienation
Over the past 25 years, considerable discussion has focused on the dynamics and processes of child alienation. Several different models describe child alienation.

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Encyclopedia of Forensic Science, 2015

Parental Alienation

History of Parental Alienation

In the context of divorce, the pathological alignment of a parent and a child resulting in the child's rejection of the alienated parent was originally described in a peer reviewed journal by Westman *et al.* [1]. Various authors used different terms for essentially the same phenomenon: Wallerstein and Kelly, "pathological alignment"; Kopetski, "sharing a common delusion"; Clawar and Rivlin, "programming" and "brainwashing"; Kelly and Johnston, "the alienated child"; and Bricklin, the child's opinions "not-based-on-actual-interactions".

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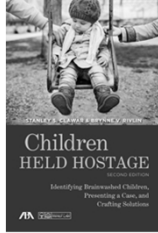
Encyclopedia of Clinical Psychology, 2015

- **ABSTRACT**
- **"Parental alienation is a mental condition in which a child—usually one whose parents are engaged in a high-conflict separation or divorce—allies himself or herself strongly with one parent (the preferred parent) and rejects a relationship with the other parent (the alienated parent) without legitimate justification."**

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American Bar Association

- ABA published *Children Held Hostage*, by S. S. Clawar and B. V. Rivlin in 1991 and 2013
- Over 1,000 children
- Programming and brainwashing children
- More severe cases same as parental alienation

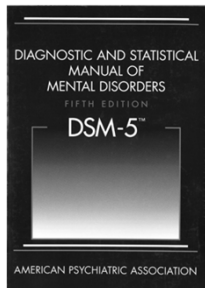


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American Academy of Matrimonial Lawyers

- Child Centered Residential Guidelines, 2015.
- Does not have the words "parental alienation," but clearly describes the problem: "A child may also resist parenting due to contrived or magnified concerns regarding a parent that may be supported by the non-rejected parent" (p. 36).

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American Psychiatric Association

- *Diagnostic and Statistical Manual of Mental Disorders*, Fifth Edition (DSM-5), 2013.
- The actual words, "parental alienation," are not in DSM-5, but the *concept* of parental alienation is expressed in three diagnoses in DSM-5.

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The Concept of PA is in DSM-5

- *Child affected by parental relationship distress* = "... negative effects of parental relationship discord (e.g., high levels of conflict, distress, or disparagement) on a child in the family."
- *Parent-child relational problem* = "negative attributions of the other's intentions, hostility toward the other, and unwarranted feelings of estrangement."
- *Child psychological abuse* = "harming/abandoning people or things that the child cares about."

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More Signs of Acceptance of Parental Alienation

- American Academy of Pediatrics
- *Comprehensive Textbook of Psychiatry*
- *Principles and Practice of Child and Adolescent Mental Health*
- *Principles and Practice of Forensic Psychiatry*
- *The Handbook of Forensic Psychology*

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**PEER REVIEW AND
PUBLICATIONS
REGARDING
PARENTAL ALIENATION**

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PARENTAL ALIENATION WAS DESCRIBED ...

In legal literature ...

Since *De Manneville v. De Manneville*, 32 Eng. Rep. 762 (1804).

In clinical literature ...

Since *Maternal Overprotection*, by David M. Levy (1943).

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**We found articles in the professional literature
of 48 countries ...**

- Algeria
- Argentina
- Australia
- Austria
- Belgium
- Brazil
- Canada
- Columbia
- Chile
- Croatia
- Cuba
- Czech Republic
- Denmark
- Ecuador
- Finland
- France
- Germany
- Hong Kong
- India
- Indonesia
- Ireland
- Israel
- Italy
- Japan
- Korea
- Latvia
- Lithuania
- Malaysia
- Malta
- Mexico
- Morocco
- Netherlands
- New Zealand
- Norway
- Poland
- Portugal
- Romania
- Russia
- South Africa
- Spain
- Sweden
- Switzerland
- Taiwan
- Turkey
- Ukraine
- United Kingdom
 - Scotland
 - Wales
 - Northern Ireland
- United States
 - Puerto Rico
- Uruguay

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Qualitative and Quantitative Research

- **Qualitative research:** data are collected in the form of descriptions from systematic observations, from which conclusions are drawn.
- **Quantitative research:** data are collected in the form of numerical values and analyzed statistically, from which conclusions are drawn.
- **Parental Alienation Database**
 - 800 references to qualitative research
 - 200 references to quantitative research
 - <https://ckm.vumc.org/pasq>

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PA Described Independently x 6

- **Judith Wallerstein and Joan Kelly, California**
 - “Pathological alignment,” 1976.
- **Richard Gardner, New York**
 - “Parental alienation syndrome,” 1985.
- **Leona Kopetski, Colorado**
 - Her observations “were remarkably similar to Gardner’s conclusions regarding the characteristics of the syndrome,” 1998 (based on work during the 1970s and 1980s).

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PA Described Independently x 6

- **Stanley Clawar and Brynne Rivlin, Pennsylvania**
 - *Children Held Hostage*, 1991 (based on work during the 1970s and 1980s) (2nd edition 2013).
- **Janet Johnston et al., California**
 - “Strong alliance,” 1985, *JAACAP*
 - “Strong alignments related to behaviors Gardner referred to as parental alienation syndrome,” 1993.
- **Barry Bricklin, Philadelphia**
 - “Not-Based-On-Actual-Interactions (NBOAI),” 1984.

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Qualitative Research - Warshak

- Richard A. Warshak, *Divorce Poison*, 2001, 2010.
- Most widely read book in the world regarding parental alienation. Published in U.S., Croatia, Czechia, Finland, Japan, and Korea.
- Contains no statistics, but dozens of interesting, distressing, and provocative case vignettes.
- Explains the appearance and causes of parental alienation – and what to do about it.

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HAS PARENTAL ALIENATION THEORY BEEN TESTED WITH A SCIENTIFIC METHODOLOGY?

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What are the signs of parental alienation?

A Construct Study of the Eight Symptoms of Severe Parental Alienation Syndrome: A Survey of Parental Experiences

Amy J. L. Baker
Douglas C. Darnall

Published 2007

- Studied 68 alienated parents whose children “want nothing to do with the parent and the parent’s access to the child was minimal at best” (i.e., severe parental alienation).
- Confirmed the 8 common behavioral symptoms of parental alienation.

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What are the signs of parental alienation?

- Eight symptoms of parental alienation occurred "often" or "always" in large percent of families:

• Campaign of denigration:	88%
• Weak, frivolous reasons:	98
• Lack of ambivalence:	97
• Insists not influenced by others:	95
• No guilt or remorse:	89
• Always sides with favored parent:	100
• Uses borrowed phrases:	79
• Rejects extended family:	77

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What are the signs of parental alienation?

- CONCLUSIONS
- "In general, these findings support Gardner's observations regarding the constellation of the eight symptoms of parental alienation syndrome ...
- ... and should pave the way for the development of reliable and assessment tools for identifying parental alienation syndrome."

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What are the causes of parental alienation?

Behaviors and Strategies
Employed in Parental Alienation:
A Survey of Parental Experiences

Amy J. L. Baker
Douglas Darnall

Published 2006

- Studied 97 alienated parents, who identified the strategies that the alienating parent had used to indoctrinate the children.
- Identified about 20 common alienating behaviors

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FORENSIC SCIENTISTS

PAPER
PSYCHIATRY & BEHAVIORAL SCIENCE

William Bernet,¹ M.D., Nilgan Gregory,^{2,3} Ph.D., Kathleen M. Reay,⁴ Ph.D., and Ronald F. Roberts,⁵ Ph.D.

An Objective Measure of Splitting in Parental Alienation: The Parental Acceptance-Rejection Questionnaire*

FORENSIC SCIENTISTS

PAPER
PSYCHIATRY & BEHAVIORAL SCIENCE

William Bernet,¹ M.D., Nilgan Gregory,^{2,3} Ph.D., Ronald F. Roberts,⁵ Ph.D., and Kathleen M. Reay,⁴ Ph.D.

Measuring the Difference Between Parental Alienation and Parental Estrangement: The PARQ-Gap**

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Quantitative Research – Bernet *et al.*

- Alienation = rejection of a parent without a good reason – rejection is very strong.
- Neglect = rejection of a parent for a good reason – feelings are ambivalent.
- PARQ clearly distinguished severely alienated children from other children.

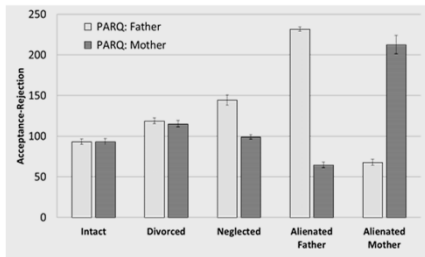
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Parental Acceptance-Rejection Questionnaire

MY FATHER	TRUE OF MY FATHER		NOT TRUE OF MY FATHER	
	Almost Always True	Sometimes True	Rarely True	Almost Never True
1. Says nice things about me	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Nags or scolds me when I am bad	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Pays no attention to me	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Does not really love me	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Talks to me about our plans and listens to what I have to say	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

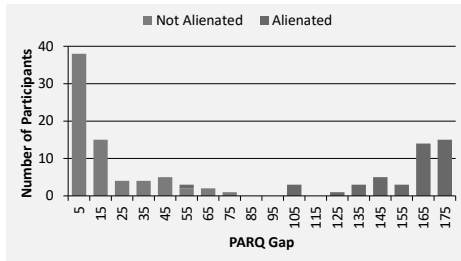
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Splitting Occurs in Alienated Children



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PARQ Gap Distinguishes Severely Alienated from Nonalienated Children with 99% Accuracy



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INTERVENTIONS FOR PARENTAL ALIENATION

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The American Journal of Family Therapy, 001-11, 2015
Copyright © Taylor & Francis Group, LLC
ISSN: 0192-4087 print / 1321-0885 online
DOI: 10.1080/01924087.2015.1077769

Routledge
Taylor & Francis Group

Family Reflections: A Promising Therapeutic Program Designed to Treat Severely Alienated Children and Their Family System

KATHLEEN M. REAY

- Published 2015 – involving 22 children.
- Family Reflections – 95% successful after 4 days.

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JOURNAL OF DIVORCE & REMARRIAGE
https://doi.org/10.1080/10522556.2018.1529505

Routledge
Taylor & Francis Group

Reclaiming Parent-Child Relationships: Outcomes of Family Bridges with Alienated Children

Richard A. Warshak

- Published 2018 – involving 83 children.
- Family Bridges – 95% successful after 4 days.
- Some children relapsed within 1 or 2 years, because of early contact with alienating parent.

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ORIGINAL ARTICLE

Evaluation of the Turning Points for Families (TPFF) program for severely alienated children

Jennifer J. Harman¹ | Luke Saunders¹ | Tamara Affif²

- Published 2021 – involving 55 children.
- Improvement in parent-child relationships.
- Improvement in family members' communal coping scores.
- TPFF is a safe and effective intervention for severely alienated children.

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Summary of Presentation

- **ACCEPTED IN SCIENTIFIC COMMUNITY?**
 - EIGHT NATIONAL AND INTERNATIONAL ORGANIZATIONS
- **PEER REVIEW AND PUBLICATION?**
 - HUNDREDS OF PEER-REVIEWED PUBLICATIONS
- **TESTING AND SCIENTIFIC METHODOLOGY?**
 - DOZENS OF PUBLISHED RESEARCH STUDIES

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**LEGAL PRECEDENTS
INVOLVING
PARENTAL ALIENATION**

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FAMILY COURT REVIEW
An Interdisciplinary Journal
Volume 58 Number 2
April 2020

PARENTAL ALIENATION IN U.S. COURTS, 1985 TO 2018

Dorothea Loraides

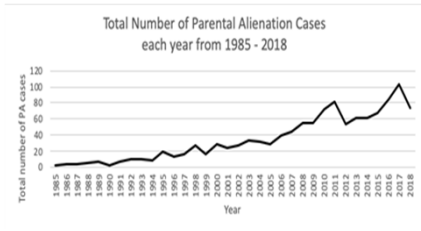
Courts have been dealing with alienating behaviors in high conflict family litigation for hundreds of years. Experts in the behavioral sciences have been writing about mothers and fathers manipulating their children to disparage the other parent for more than seventy years. But in the last few decades some social scientists and legal professionals have questioned the legitimacy of parental alienation as a concept and its admissibility in child abuse and child custody litigation. This study was designed to examine the extent to which courts in the United States have found the concept of parental alienation, parental, relevant and admissible. Thirty four years of cases were found with a WESTLAW query not analyzed. Cases were

63

Between 1985 and 2018, trial and appellate courts in the U.S. accepted parental alienation as an acceptable topic 1,181 times.

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Trial and appellate courts accepted testimony regarding parental alienation, 1985-2018.



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Tennessee Court of Appeals

- *Duke v. Duke*, Williamson County, 2014
- COA quoted Dr. William Bernet: "Many of the mental health professionals who have studied and written about this topic concluded that parental alienation is a form of psychological abuse of the child victims, which is why this pattern of behavior needs to be identified and addressed."
- COA agreed with trial court's decision to limit "Father's parenting time with the children to four hours of supervised visitation every other weekend."

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Tennessee Court of Appeals

- *McLain v. McLain*, Washington County, 2017
- COA quoted Dr. Thomas Schacht: "The phenomena of parental alienation are well recognized internationally and, sadly, are frequently alleged or encountered in custody and visitation litigation"
- COA said: "This Court has previously recognized parental alienation as a development that may rise to the level of a material change in circumstance."

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Tennessee Court of Appeals

- *Choate v. Choate*, Bradley County, 2021
- COA said, "Dr. Bernet testified that five factors indicate parental alienation: (1) the child manifests contact refusal; (2) the existence of a prior positive relationship with the rejected parent; (3) absence of abuse, neglect, or highly deficient parenting; (4) the alienating behaviors of the preferred parent; and (5) symptoms of parental alienation in the child. Guided by these factors, Dr. Bernet testified that the facts presented in this case were consistent with severe alienation of BC toward Father the hands of Mother."

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**MISINFORMATION
REGARDING
PARENTAL ALIENATION**

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**BLATANTLY FALSE
PERSONAL ATTACKS**

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PERSONAL ATTACKS

- “[Parental alienation theory], launched by American child psychiatrist Richard Gardner (an adherent of pedophilia)”

Book published by Norstedts Juridik, Stockholm, Sweden, 2013

* * * * *

- Richard Gardner “was implicated as being a proponent of pedophilia.”

Journal of Child Custody, 2019

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**AN ARMY
OF STRAW MEN**

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ARMY OF STRAW MEN

"Thus, if a child states that she does not want to see her father, this is explained as fruit of the mother's manipulation, and the mother would be accused of being a manipulative mother. However, the hypothesis that the child is being physically or even sexually abused by her father is not contemplated and therefore not investigated."

Miguel Clemente and Dolores Padilla-Racero
Psychologists in Spain
Child and Youth Services Review, 2015

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ARMY OF STRAW MEN

IN FACT, IT IS FLATLY INCORRECT TO SAY ...

... that experts who evaluate a child for PAS or PA do not consider the possibility that the rejected parent actually abused the child.

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**QUOTATIONS
THAT MISQUOTE**

75

QUOTATIONS THAT MISQUOTE

“PA proponents have been guilty of circular reasoning since Gardner’s day ... in that they have omitted the collection of data about one parent’s persuasive efforts but have nevertheless assumed that [visitation resistance or refusal] is in itself evidence that the preferred parent has carried out a campaign of denigration against the non-preferred parent.”

Jean Mercer, Ph.D., Professor of Psychology
Journal of Child Custody, 2019

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QUOTATIONS THAT MISQUOTE

IN FACT, NO PROPONENT OF PA ...

... *assumes* that contact refusal “is in itself evidence that the preferred parent has carried out a campaign of denigration against the non-preferred parent.”

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QUIZ QUESTION

HOW MANY TIMES HAS THIS MISINFORMATION OCCURRED IN PROFESSIONAL PUBLICATIONS OR PRESENTATIONS?

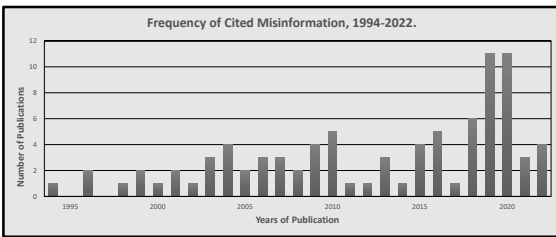
PA theory assumes that the preferred parent has caused PA in the child simply because the child refuses to have a relationship with the rejected parent, without identifying or proving alienating behaviors by the preferred parent.

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QUIZ QUESTION

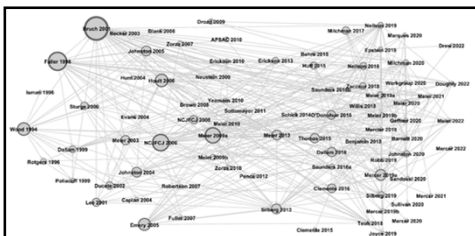
... AT LEAST 87 TIMES ...

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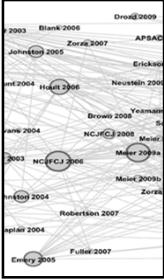


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Citation Analysis of Misinformation Regarding Alienation



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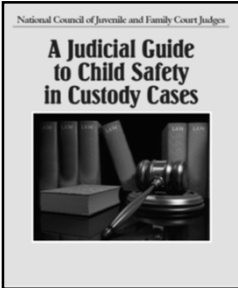


Citation Analysis

—

**Passing through
NCJFCJ 2006
NCJFCJ 2008**

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Authored by:

Hon. Jerry J. Bowles
Jefferson County Circuit Court, Kentucky

Hon. Kaye K. Christian
District of Columbia Superior Court, Washington, D.C.

Margaret B. Drew, JD
Professor of Clinical Law, University of Cincinnati College of Law

Katheryn L. Yetter, JD
Senior Attorney, Family Violence Department

2008

National Council of Juvenile and Family Court Judges

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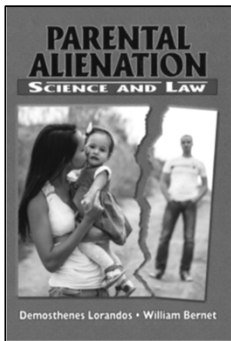
Problematic Statements in *Judicial Guide*

C. [§3.3] A Word of Caution about Parental Alienation¹⁴

Under relevant evidentiary standards, the court should not accept testimony regarding parental alienation syndrome, or "PAS." The theory positing the existence of PAS has been discredited by the scientific community.¹⁵

The discredited "diagnosis" of PAS (or an allegation of "parental alienation"), quite apart from its scientific invalidity, inappropriately asks the court to assume that the child's behaviors and attitudes toward the parent who claims to be "alienated" have no grounding in reality.

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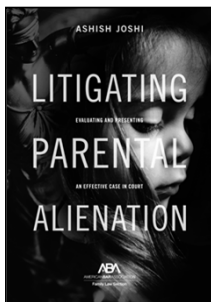


EXTENSIVE
DISCUSSION OF
MISINFORMATION

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Published 2020

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CHAPTER ON
MISINFORMATION

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Published 2021

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If you are interested in learning more about
parental alienation, consider joining the
Parental Alienation Study Group.

www.pasg.info



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