

Parental Alienation

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In the most extreme cases, parents exhibit hostile behavior, either overt or covert. They unconsciously or with forethought vilify the other parent—usually the absent parent—in the eyes of the children. Courtroom battling and domestic conflict cause children to feel insecure. “Children commonly interpret conflict as caused by the rejected parent and as abusive and victimizing of the aligned parent (and by extension, the child).”⁹² This process is often described as alienation.

Given the high incidence of divorce, there is also a high probability of escalated or ‘high’ conflict evidencing the anger between the parents. Further, that divorce and custody are resolved through litigation in family courts, these angers are heightened, and the tactics used lead to greater tensions, and argument. This is not just ‘theater’, it is a horrific means for deciding the most tender of issues, parenting. This author has observed, read of and heard the testimony of vicious attacks used in the courtroom for child custody battles which utilize misinformation, exaggeration, and deceit.

When a parent is emotionally distraught, hurt and angry, as with others, it is not uncommon for child brainwashing to occur. This brainwashing has been itself a source of argument by those who seek to demonstrate its presence and those who seek to deny its reality. Yet, this brainwashing, frequently referred to as parental alienation is common. Gardner, forensic psychiatrist and original researcher who labeled Parental Alienation Syndrome, or PAS defined it as “a disorder that arises primarily in the context of child-custody disputes. Its primary manifestation is the child’s campaign of denigration of the parent, a campaign that has no justification. The disorder results from the combination of brainwashing, indoctrination by the alienating parent, and the child’s own contributions to the vilification of the alienated parent.”⁹³

PAS poses a concept that confuses many professionals who find it too complex. Many attorneys argue that PAS and also PA cannot be reliably determined since neither condition is yet in the current edition of the *Diagnostic and Statistical Manual of Mental Disorders (DSM V)*. However, it is also argued by some that although the concept is not in the DSM as a diagnosis, its symptoms are and are characterized by emotional abuse, narcissism, bipolarity and borderline

personality disorders. The courts frequently expect that forensic psychologists who interview and evaluate family members for custody and child access determinations will reliably testify as to mental health conditions of parents and children. The courts generally accept an evaluating psychologist's opinion in determining their own. However, psychologists differ in their interpretation of data. "Thus," writes Turkat, "the attorney attempting to assist a client by making a referral to a mental health practitioner in certain PAS cases may unwittingly be causing the client even more problems."⁹⁴

A parent who believes their child is a victim of the other parent's alienating behavior must go to great lengths to demonstrate that PA or PAS is present. Review of state custody laws show that most parents who battle for custody must do so in a defensive posture.

When the other parent objects to sharing custody, legal arguments become clouded with allegations. As cited earlier, accusations of child abuse, sexual misconduct, incapacity, and malfeasance dominate the arguments. According to a study by Dunne and Hedrick, "PAS does not necessarily signify dysfunction in either the alienated parent or in the relationship between that parent and child. PAS appears to be primarily a function of the pathology of the alienating parent and that parent's relationship with the children."⁹⁵

Determining whether alienation is present is complicated. It requires diagnosticians, i.e., forensic psychologists who specialize in identifying an alienated child and the source of alienation. "As in all child custody evaluation reports, the data that are relied on to form an opinion should be included."⁹⁶ Inclusion of this material helps show the perspective of the forensic therapist or other appointed evaluator.

According to Lee and Olesen, "A failure to appropriately identify and intervene in the early stages of these cases may result in the alienating parent being given professional support for his/her position, reinforcing the child's need to maintain or expand complaints about the alienated parent."⁹⁷

⁹² Gregory, *Understanding Family Law*, 15.

⁹³ Richard Gardner, "Recent Trends in Divorce and Custody," *Litigation* 20, no.

3 (1985): 6.

⁹⁴ Ira Turkat, "Parental Alienation Syndrome: A Review of Custody Issues," *Journal of the American Academy of Matrimonial Lawyers* 101, no. 18

(2002): 173.

95 John Dunne and Marsha Hedrick, "The Parental Alienation Syndrome: An Analysis of Sixteen Selected Cases," *Journal of Divorce and Remarriage* 21, no

3/4 (1994): 27.

96 Ibid., 28.

97 Margaret S. Lee and Nancy W. Olesen, "Alienated Children in Divorce: Assessing for Alienation in Child Custody and Access Evaluation," *Family Court Review* 70 (July 2001): 284.