

## What is Parental Alienation Syndrome?

<http://www.hixnet.co.za/home/photo/allaboutpas.htm>

**Do your part to get your local community aware of this problem!**

**Did You Know That...  
Parental Alienation is a form of Child Abuse?**



**Parental alienation** involves the systematic brainwashing and manipulation of children with the sole purpose of destroying a loving and warm relationship they once shared with a parent.

Parental alienation and hostile aggressive parenting deprives children of their right to be loved by and showing love for both of their parents. These selfish, vindictive and malicious actions by the alienating parent (the parent who is responsible for the manipulations and brainwashing) is considered **a form of child abuse - as the alienating tactics used on the children are disturbing, confusing and often frightening, and rob children of their sense of security and safety.**

Most people do not know about Parental Alienation and Hostile Aggressive Parenting until they experience it. Parental Alienation Awareness is put forth to help raise awareness about this growing problem of mental and emotional child abuse seen mostly in cases of divorce or separation.

**We need your help to protect the innocent, ...the children.**

We need your help to educate and make aware to the public the effects of Parental Alienation and Hostile Aggressive Parenting.

If you've been effected by Parental Alienation or know someone who has, or are a past victim of a parent who exhibited Hostile Aggressive Parenting and Alienated from one parent, please write and tell us your story. We will add your story to our letters page for everyone around the world to publish in their local magazines, newspapers, etc. Please remember to keep your story to the telling of the loss, love, and heartache. Please refrain from excessive anger and verbally assaulting the alienator(s) in your letters.

The aim of the Awareness is to make the judges, police officers, psychiatrists, lawyers, as well as friends and family of the people abusing their children by HAP and alienation tactics to become aware of this growing problem and form of abuse.

With awareness comes education and understanding, and the power to stop the abuse of innocent children caught in the crossfire of people they love.

**Some early signs of Parental Alienation:**

Children perceive one parent as causing financial problems of the other parent

Children appear to have knowledge of details relating to the legal aspects of the divorce

Children show sudden negative change in their attitude toward a parent/guardian

Children appear uneasy around target parent - they resort to "one word" answers and fail to engage openly in conversations as they previously have done

Children are uncharacteristically rude and/or belligerent to target parent

Access time is not occurring as agreed upon or court ordered - visitation is being unilaterally cut back by the other parent

Ex-spouse undermines the other parent or speaks disparagingly about other parent in the presence of the children

Ex-spouse starts making reference to other parent as being abusive and a risk to the children with no apparent good reason

Allowing children to choose whether or not to visit a parent, even though the court has not empowered the parent or children to make that choice;

Telling the children about why the marriage failed and giving them the details about the divorce settlement;

Refusing the other parent access to medical and school records or schedules of extracurricular activities;

## **Parental Alienation Syndrome - the facts**

### **Parental Alienation Syndrome: How to Detect It and What to Do About It**

#### **Criteria I: Access and Contact Blocking**

Criteria I involves the active blocking of access or contact between the child and the absent parent. The rationale used to justify it may well take many different forms. One of the most common is that of protection. It may be argued that the absent parent's parental judgment is inferior and, therefore, the child is much worse off from the visit. In extreme cases, this will take the form of allegations of child abuse, quite often sexual abuse. This will be addressed in more detail in Criteria II, but suffice it to say that often this is heard as a reason for visitation to be suspended or even terminated. On a more subtle and common level, an argument heard for the blocking of visitation is that seeing the absent parent is "unsettling" to the child, and that they need time "to adjust." The message here is that the absent parent is treated less like a key family member and more like an annoying acquaintance that the child must see at times. Over time, this pattern can have a seriously erosive effect on the child's relationship with the absent parent. An even more subtle expression of this is that the visitation is "inconvenient," thereby relegating it to the status of an errand or chore. Again the result is the erosion of the relationship between the child and the absent or "target" parent. One phenomenon often seen in this context is that any deviation from the schedule is used as a reason to cancel visitation entirely.

The common thread to all of these tactics is that one parent is superior and the

other is not and, therefore, should be peripheral to the child's life. The alienating parent in these circumstances is acting inappropriately as a gatekeeper for the child to see the absent parent. When this occurs for periods of substantial time, the child is given the unspoken but clear message that one parent is senior to the other. Younger children are more vulnerable to this message and tend to take it uncritically; however, one can always detect elements of it echoed even into the teenage years. The important concept here is that each parent is given the responsibility to promote a positive relationship with the other parent. When this principle is violated in the context of blocking access on a consistent basis, one can assume that Criteria I has been, unmistakably identified

### **Criteria II: Unfounded Abuse Allegations**

The second criteria is related to false or unfounded accusations of abuse against the absent parent. The most strident expression of this is the false accusation of sexual abuse. It has been well studied that the incident of false allegations of sexual abuse account for over half of those reported, when the parents are divorcing or are in conflict over some post dissolution issue. This is especially the situation with small children who are more vulnerable to the manipulations implied by such false allegations. When the record shows that even one report of such abuse is ruled as unfounded, the interviewer is well advised to look for other expressions of false accusations.

Other examples of this might be found in allegations of physical abuse that investigators later rule as being unfounded. Interestingly our experience has been that there are fewer false allegations of physical abuse than of other forms of abuse, presumably because physical abuse leaves visible evidence. It is, of course, much easier to falsely accuse someone of something that leaves no physical sign and has no third party witnesses.

A much more common expression of this pattern would be that of what would be termed emotional abuse. When false allegations of emotional abuse are leveled, one often finds that what is present is actually differing parental judgment that is being framed as "abusive" by the absent parent. For example, one parent may let a child stay up later at night than the other parent would, and this scheduling might be termed as being "abusive" or "detrimental" to the child. Or one parent might introduce a new "significant other" to the child before the other parent believes that they should and this might also be called "abusive" to the child. Alternatively one parent might enroll a child in an activity with which the other parent disagrees and this activity is, in actuality, a difference of parental opinion that is now described as being abusive in nature. These examples, as trivial as they seem individually, may be suggestive of a theme of treating parental difference in inappropriately subjective judgmental terms. If this theme is present, all manner of things can be described in ways that convey the message of abuse, either directly or indirectly. When this phenomenon occurs in literally thousands of different ways and times, each of which seems insignificant on its own, the emotional atmosphere that it creates carries a clearly alienating effect on the child.

Obviously, this type of acrimony is very common in dissolution actions but such conflict should not necessarily be mistaken or be taken as illustrative of the PAS syndrome; however, the criteria is clearly present and identifiable when the parent is eager to hurl abuse allegations, rather than being cautious, careful, and even reluctant to do so. This latter stance is more in keeping with the parent's responsibility to encourage and affirmatively support a relationship with the other parent. The responsible parent will only allege abuse after he or she has tried and failed to rationalize why the issue at hand is not abusive. Simply put, the responsible parent will give the other parent the benefit of the doubt when such allegations arise. He or she will, if anything, err on the side of denial, whereas the alienating parent will not miss an opportunity to accuse the other parent. When this theme is present in a clear and consistent way, this criteria for PAS is met.

### **Criteria III: Deterioration in Relationship Since Separation**

The third of the criteria necessary for the detection of PAS is probably the least described or identified, but critically is one of the most important. It has to do with the existence of a positive relationship between the minor children and the now absent or nonresidential parent, prior to the marital separation; and a substantial deterioration, of it since then. Such a recognized decline does not occur on its own. It is, therefore, one of the most important indicators of the presence of alienation as well. as a full measure of its relative "success." By way of example, if a father had a good and involved relationship with the children prior to the separation, and a very distant one since, then one can only assume without explicit proof to the contrary that something caused it to change. If this father is clearly trying to maintain a positive relationship with the children through observance of visitation and other activities and the children do not want to see him or have him involved in their lives, then one can only speculate that an alienation process may have been in operation. Children do not naturally lose interest in and become distant from their nonresidential parent simply by virtue of the absence of that parent. Also, healthy and established parental relationships do not erode naturally of their own accord. They must be attacked. Therefore, any dramatic change in this area is virtually always an indicator of an alienation process that has had some success in the past.

Most notably, if a careful evaluation of the pre-separation parental relationship is not made, its omission creates an impression that the troubled or even alienated status that exists since is more or less an accurate summary of what existed previously. Note that nothing could be further from the truth! An alienated or even partially or intermittently alienated relationship with the nonresidential parent and the children after the separation is more accurately a distortion of the real parental relationship in question. Its follow-through is often overlooked in the hysterical atmosphere that is often present in these cases. A careful practitioner well knows that a close examination is warranted and that it must be conducted with the utmost detail and scrutiny.

If this piece of the puzzle is left out, the consequences can be quite devastating for the survival of this relationship. Also, without this component, the court can be easily swayed into premature closure or fooled into thinking that the turmoil of the separation environment is representative of the true parent-child relationship. Once this ruling is made by the court, it is an exacting challenge to correct its perception.

In a separate but related issue, a word should be said about the use of experts. First, it must be understood that all mental health professionals are not aware of nor know how to treat the PAS phenomenon. In fact, when a mental health professional unfamiliar with PAS is called upon to make a recommendation about custody, access, or related issues, he or she potentially can do more harm than good. For example, if the psychologist fails to investigate the pre-separation relationship of the nonresidential parent and the children, he or she may very easily mistake the current acrimony in that relationship to be representative of it, and recommend that the children should have less visitation with that parent, obviously supporting the undiagnosed PAS that is still in progress. If that expert also fails to evaluate critically the abuse claims or the agenda of the claimant, they may be taken at face value and again potentially support the undiagnosed PAS. If that professional is not also sensitive to the subtleties of access and contact blocking as its motivator, he or she may potentially support it, thereby contributing to the PAS process. When these things occur, the mental health professional expert has actually become part of the PAS, albeit unwittingly. Alarmingly, this happens often. Suffice it to say, if PAS is suspected, the attorney should closely and carefully evaluate the mental health professional's investigation and conclusion. Failure to do so can cause irreparable harm to the case, and, ultimately to the children.

### **Criteria IV: Intense Fear Reaction by Children**

The fourth criteria necessary for the detection of PAS is admittedly more psychological than the

first three. It refers to an obvious fear reaction on the part of the children, of displeasing or disagreeing with the potentially alienating parent in regard to the absent or potential target parent. Simply put, an alienating parent operates by the adage, "My way or the highway." If the children disobey this directive, especially in expressing positive approval of the absent parent, the consequences can be very serious. It is not uncommon for an alienating parent to reject the child(ren), often telling him or her that they should go live with the target parent. When this does occur one often sees that this threat is not carried out, yet it operates more as a message of constant warning. The child, in effect, is put into a position of being the alienating parent's "agent" and is continually being put through various loyalty tests. The important issue here is that the alienating parent thus forces the child to choose parents. This, of course, is in direct opposition to a child's emotional well being.

In order to fully appreciate this scenario, one must realize that the PAS process operates in a "fear based" environment. It is the installation of fear by the alienating parent to the minor children that is the fuel by which this pattern is driven; this fear taps into what psychoanalysis tell us is the most basic emotion inherent in human nature--the fear of abandonment. Children under these conditions live in a state of chronic upset and threat of reprisal. When the child does dare to defy the alienating parent, they quickly learn that there is a serious price to pay. Consequently, children who live such lives develop an acute sense of vigilance over displeasing the alienating parent. The sensitized observer can see this in visitation plans that suddenly change for no apparent reason. For example, when the appointed time approaches, the child suddenly changes his or her tune and begins to loudly protest a visit that was not previously complained about. It is in these instances that a court, once suspecting PAS must enforce in strict terms the visitation schedule which otherwise would not have occurred or would have been ignored.

The alienating parent can most often be found posturing bewilderment regarding the sudden change in their child's feelings about the visit. In fact, the alienating parent often will appear to be the one supporting visitation. This scenario is a very common one in PAS families. It is standard because it encapsulates and exposes, if only for an instant, the fear-based core of the alienation process. Another way to express this concept would be that whenever the child is given any significant choice in the visitation, he or she is put in the position to act out a loyalty to the alienating parent's wishes by refusing to have the visitation at all with the absent parent. Failure to do so opens the door for that child's being abandoned by the parent with whom the child lives the vast majority of the time. Children, under these circumstances, will simply not opt on their own for a free choice. The court must thus act expeditiously to protect them and employ a host of specific and available remedies.

As a consequence of the foregoing, these children learn to manipulate. Children often play one parent against the other in an effort to gain some advantage. In the case of PAS, the same dynamic operates at more desperate level. No longer manipulating to gain advantage, these children learn to manipulate just to survive. They become expert beyond their years at reading the emotional environment, telling partial truths, and then telling out-and-out lies. One must, however, remember that these are survival strategies that they were forced to learn in order to keep peace at home and avoid emotional attack by the residential parent. Given this understanding, it is perhaps easier to see why children, in an effort to cope with this situation, often find it easier if they begin to internalize the alienating parent's perceptions of the absent parent and begin to echo these feelings. This is one of the most compelling and dramatic effects of PAS, that is, hearing a child vilifying the absent parent and joining the alienating parent in such attacks. If one is not sensitive to the "fear-based" core at the heart of this, it is difficult not to take the child's protests at face value. This, of course, is compounded when the expert is also not sensitive to this powerful fear component, and believes that the child is voicing his or her own inner feelings in endorsing the "no visitation" plan.

## **Conclusion**

All the criteria listed above can be found independent of each other in highly contested dissolutions, but remember that the appearance of some of them does not always constitute PAS. When all four are clearly present, however, add the possibility of real abuse has been reasonably ruled out, the parental alienation process is operative. This does not necessarily mean, however, that it is succeeding in that the children are being successfully alienated from the target parent. The best predictor of successful alienation is directly related to the success of the alienating parent at keeping the children from the target parent. When there are substantial periods in which they do not see the other parent, the children are more likely to be poisoned by the process. Another variable that predicts success is the child's age. Younger children generally are more vulnerable than older ones. Also, another variable is the depth and degree of involvement of the pre-separation parent-child relationship. The longer and more involved that relationship, the less vulnerable will be the children to successful alienation. The final predictor is the parental tenacity of the target parent. A targeted parent often gives up and walks away, thus greatly increasing the chances of successful alienation.

The question remains: What if all four criteria are present, but the children are not successfully alienated? Should this failure at alienation be seen as nullifying the attempt at alienation? The answer to that should be a resounding "No!" It should be, but often it is not. It is very common to read a psychological evaluation or a GAL's report that identified PAS but then notes that since it was not successful, it should not be taken very seriously. Nothing could be further from the truth. Any attempt at alienating the children from the other parent should be seen as a direct and willful violation of one of the prime duties of parenthood, which is to promote and encourage a positive and loving relationship with the other parent, and the concept of shared parental responsibility.

It is our feeling that when attempted PAS has been identified, successful or not, it must be dealt with swiftly by the court. If it is not, it will contaminate and quietly control all other parenting issues and then lead only to unhappiness, frustration, and, lastly, parental estrangement.

### **What is Hostile Aggressive Parenting?**

Hostile Aggressive Parenting (HAP) is defined as : A general pattern of behaviour, manipulation, actions or decision-making of a person (usually a parent or guardian) that either directly or indirectly; 1) creates undue difficulties or interferences in the relationship of a child with another person (usually a parent or guardian) involved with the parenting and/or rearing of the child and/or, 2) promotes or maintains an unwarranted unfairness or inequality in the parenting arrangements between a child's parents and/or guardians and/or, 3) promotes ongoing and unnecessary conflict between parents and/or guardians which adversely affects the parenting, well-being and rearing of a child.

Hostile-Aggressive Parenting is most apparent in child-custody disputes and is **used most often as a tool to align the child with one of the parents during litigation over custody or control of the child.**

However, HAP can be present in almost any situation where two or more people involved in a child's life are at odds with each other over how a child may be raised or influenced by the parties. HAP can be present to some extent even when couples are still living together.

Although Hostile-Aggressive Parenting is often confused with Parental Alienation Syndrome (PAS), a term coined by Dr. Richard Gardner, HAP and PAS are not the same. HAP refers to the behaviours, actions and decisions of a person, whereas, PAS relates to the psychological condition of the child. **In the vast majority of cases HAP is the cause of PAS.**

Hostile-Aggressive Parenting is not limited to the biological parents but also applies to any guardian - grandparents, extended family members, daycare providers and to any other person who may be involved in caring and rearing of a child. In some cases, it may even involve a parent in dispute with the child's

- [Symptoms of HAP](#)

- [Underlying causes of HAP](#)

- [Observable effects from exposure to HAP](#)

- [Severe HAP](#)

- [Addressing & dealing with HAP](#)

- [Role of the community](#)

- [Sanctions for HAP](#)

- [How to help](#)

- [HAP documentation](#) (PDF)

grandparents, sometimes the parent's very own parent! Any form of interference to a normal, healthy relationship between a child and a person (most often one of the parents) caused by another person or agency having some control or influence over the child, is wrong and **ultimately causes emotional and psychological harm to the child**. Throughout this document the word "parent" shall be considered synonymous with "guardian".



Hostile-Aggressive Parenting is a **very serious and damaging form of abuse and maltreatment** that parents and even other family members can engage in. HAP is most often identified in individuals with controlling and bullying personalities or those with mild to severe personality disorders. HAP can be a factor in all types of parenting arrangements including sole maternal custody, sole paternal custody and joint custody. Interestingly, it is sole custodial parents who are most often reported to practice Hostile-Aggressive-Parenting, especially in its most severe form.

In general, parents exhibiting Hostile-Aggressive-Parenting have not succeeded in getting on with their own life and remain, instead, controlled by their negative emotions and continue to exercise power and control over their ex-spouse's life, their ex-spouse's parenting and to a large extent, over the children of the relationship as well. **HAP parents will blame everyone else except themselves.**

High degrees of conflict during custody settlements and litigation are almost sure signs in these affected families. Hostile-aggressive parents are unable to appreciate the needs of their child and in many cases view their child as a possession belonging to them and no other persons have any right to the child, especially not the child's other parent or other persons that the HAP parent does not like. Hostile-aggressive parents will **use the child as a weapon against the other spouse and family members** whenever they have the opportunity. A parent engaged in Hostile-Aggressive Parenting will also take comfort in that the community in general will choose not to get involved, probably because they don't know what to do. Angry and vindictive HAP parents are often able to bring a reign of terror and revenge on to a non-custodial parent and their family, their goal being to get them out of the child's life or at the very least to severely damage their child's relationship with the other parent and other parent's family.

Hostile-Aggressive Parenting is considered by many health care and legal experts unhealthy, anti-social, **abusive behaviour** which is **emotionally damaging** and **contrary interest of a child**. Simply stated, it is dysfunctional parenting, **emotional child abuse** parent who is the target of Hostile-Aggressive Parenting, a form of discrimination.

## **THE FLORIDA BAR JOURNAL, JUNE 1997**

### **Parental Alienation Syndrome: *An Age-Old Custody Problem***

**by Michael R. Walsh and J. Michael Bone**

The term parental alienation syndrome (PAS), first described by Richard Gardner, is also sometimes referred to as "brainwashing."<sup>(1)</sup> Its concept and dynamics include a complex network of involvement and motives on the part of all members acting in this family drama. Furthermore, each of them usually takes his or her role in the alienation process well before the dissolution or separation process begins.

Additionally, one should be mindful that in some instances a child does not reject a parent immediately following a parental separation but rather based upon actual or true life experiences. Thus, this syndrome affects intact, as well as divided, families.

PAS, in its most extreme form, refers to a disturbance in which a child is preoccupied with viewing one parent as all "good" and the other as all "bad." The former is loved and idealized, while the other is hated and verbally vilified.

The PAS hostility expressed by the child is generally characterized without any outward expression of guilt, embarrassment, or ambivalence. Accordingly, this conduct may be especially puzzling, even to a trained observer, if there is no apparent factual basis to justify the depth of the emotions involved.

In severe cases, the child may also suffer from psychosomatic complaints such as headaches, vomiting, loss of sleep, refusal to eat, and the like when faced with the prospect of visiting the "bad" parent. More often, however, the mild to moderately alienated child may express rejection by verbally disparaging the "bad" parent or destroying gifts or refusing to engage in family activities which were once enjoyed with that parent.

*Swiftly orchestrating a remedial plan will greatly diminish the PAS process and, in most cases, eliminate it completely*

Contradictory as it may seem, such a child may also be able to show affection for the "bad" parent when alone, but will never do so in the presence of the "good" parent. This inconsistent "chameleon" quality is a diagnostic hallmark of PAS.

Routinely, the child living with the alienating parent (AP) for the majority of the time is in a classic "no-win" situation. If the child defies the AP's directive in vilifying the targeted parent (TP), the child is guilty of betrayal of their primary caretaker; conversely, if he or she supports these allegations or contributes to them, then the child betrays the TP. The child cannot win, and the deep conflict thus creates a passageway for the possibility of actual delusional thinking on his or her part, as well as that of the AP.

Leaving a child in this pathological environment is most damaging and, under these circumstances, a child may many times become anxious, isolated and depressed. In time, if proper intervention is not forthcoming, the child develops a deep and profound sense of self-hatred and shame for condemning the other parent. These children tend to become despondent, withdrawn, and develop psychopathic manipulative characteristics which may be carried into adulthood.

### **Actors, Programming, and Techniques**

First of all, it is fallacious to believe that all of the responsibility for this process should be attributed solely to the AP, even though that parent has engaged in highly observable maneuvering or self-serving actions. A child usually has some contributing motive, even though it may be extremely vague or more defensible than malevolent.

Of course, there are always variables, such as where both parents appear to be playing their roles in the alienation process but the child will not join with them or is well able to disengage and maintain independence. The same may also happen with the TP, or the process may not fully play out at all because of a geographical distance involved or by the extremely limited time schedule between that parent and the minor child.(2)

Typically, the AP has an agenda for turning the child against the other parent. It helps to counterbalance that parent's feelings of inadequacy, lack of self-worth, powerlessness, or merely being overwhelmed with the future prospect of facing judicial proceedings. It may include revenge, guilt, fear of loss of the child, or loss of the role of primary parent or the desire to have proprietary control over the child, as well as jealousy of the other parent, the desire to obtain "leverage" as to equitable distribution, child support, or

alimony, a past history of abandonment, alienation, physical or sexual abuse, self-protection, or even the loss of one's identity.

*Alienation techniques may include attacking the other parent's character, telling the child the "truth about past events," playing the victim, or being indulgent or permissive*

These motives lead the AP to program the child. Various techniques are used, such as: denying the existence of the TP, labeling the child as fragile, and thus requiring AP's continuous protection, creating an allegiance between the child and parent in a parental struggle, taking normal differences and turning them into a "good/bad" or "right/wrong" solutions, generalizing from specifics to global meanings, putting the child in the middle, comparing good experience with bad experience, attacking the TP's character or lifestyle, telling the child the "truth about past events," sympathy seeking, playing the victim, communications or actions prompting fear, anxiety, guilt, intimidation, threats, or merely being overly indulgent or extremely permissive.(3)

One must realize that the TP may also have a motive, including a hidden desire to abandon the family, intense anger at the AP, self-righteousness, past family problems, a personal history of escaping, fragile mental health, or fear of losing a relationship with the child.

The TP, for his or her part, in the past, may have well engaged in conduct leading the minor to believe that he or she wishes to abandon or harm the child. Additionally, he or she may also have been violent or insensitive. Since the diagnostic characteristic of PAS is its "license with reality," one can be sure that the allegations of the TP's wrongdoing will, in any event, be grossly distorted or even rendered fictional. Still, nevertheless, they appear to be deeply believed by the AP, as well as the child.

Lastly, the child's motivation may also include coping with the loss, resolving parental conflict and other normal developmental pressures.

### **Proof and Evidence**

While the constant theme of the alienation may be easily identified, it is not necessarily always susceptible of specific proof. The difficulty, of course, is when there are no witnesses present to refute allegations, and such statements are offered in a courtroom setting or to a guardian ad litem or a mental health professional in conference. Practically, it is emotionally difficult to discount such accusations because they are made with high emotional pitch, urgency, and a desperation as to a description of the incidents involved. All of the foregoing contributes to believability, especially where the minor child is relating a self-reporting trauma and a real danger to him or her. Such accounts may appear to be very convincing to the listener.

Make no mistake about it, individuals with either PAS or a related malicious syndrome will and do lie! They are convincing witnesses, and their manipulative skills may influence others to follow suit. Furthermore, they have absolutely rational explanations for interference with access and contact by the other parent or the complaint of not sharing parental responsibility. Conveniently, they leave out of their testimony pertinent details or they maneuver the facts in such a manner to create an entirely false impression.

Unfortunately, many are successful and run circles around opposing counsel and the court. As a result, over a period of time, the suffering parent becomes emotionally and financial depleted and withdraws the issue from the court system.

In attempting to find "family truths," one must of necessity rely upon typical patterns often only detected by mental health specialists or psychotherapists. These include conflicting or contradictory statements by a child or the AP as to past representations, factual histories, or observations or perceptions made; spying on the TP and reporting it, even to a professional; the child engaging in character assault as to the TP or friends or family; the child parroting the themes of the AP; the child's use of similar phrases or words; the child offering up inappropriate or indelicate information about the other parent; colluding by word or action with the AP and giving only one-sided information to a professional or guardian ad litem; phrasing or speaking only positively about the AP while verbalizing only negatively and derogatorily about the TP; and, lastly, the child's lack of affinity or association with the TP's family, friends, or associates.(4)

Clear instances must be cited to the court since PAS is not generally accepted as a diagnostic tool because it has not yet gained acceptance among experts in the field.(5)

Assuming the challenging parent has assembled credible proof and can demonstrate through a variety of incidents the conduct complained of, our courts have not at all been hesitant to make a decision without regard as to whether PAS is scientifically reliable. *In the Interest of TMW*, 553 So. 2d 260 (Fla. 1st DCA 1989); *Tucker v. Greenberg*, 674 So. 2d 807 (Fla. 5th DCA 1996); *Williams v. Williams*, 676 So. 2d 493 (Fla. 5th DCA 1996); *Adams v. Adams*, 677 So. 2d 6 (Fla. 5th DCA 1996).

### **A Useful Judicial Tool**

Alienation does not occur overnight. It is gradual and consistent and is directly related to the time spent with the alienating parent. To heal the relationship, the child requires quality time with the targeted parent and continued communication to serve as a reality check and in order to counterbalance the effect of ongoing alienation at home.

The alienating parent, on the other hand, requires time to complete the brainwashing of the child without interruption. Thus, manipulation of time is a prime weapon in his or her hands.

Unlike cases of child abuse, where time away from the abuser sometimes helps to repair a damaged relationship, any time lost in repairing a child-parent relationship only furthers the goal of alienation.

While the court needs time to assess each case and move cautiously, the court must remember that with the passage of time, the child grows to be a staunch corroborator.

In these instances, a judicial wish to maintain the status quo in the life of the child pending the outcome of a determination of PAS will only cause that minor to drift further away from the nonresidential parent. Additionally, referrals to mediation or the use of attorney-client negotiations are often futile because implicit in these processes is a lack of a swift directive that is often perceived by the alienator as denoting approval of his or her behavior.

These authors believe that only the force of law may shorten the death of PAS in a given case! An early judicial precedent of a clear and forceful nature is needed!

*Brainwashing takes time. Early judicial intervention may send a clear message to the alienating parent to back off, and will reduce the tension between the child and the other parent*

Swift judicial intercession by an award of extra or compensatory visitation to the TP oftentimes sends a clear message to the AP to "back off" and, within a short period of time, the tension and stress that previously existed between the child and the TP has completely disappeared.

Of all of the research on the effects of separation and divorce, the one conclusion that is never debated is that children fare better when they maintain a close relationship with both parents. It is generally accepted that the loss of one parent is detrimental to a child. The only exception seems to be in the case of physical, sexual, or clear emotional abuse.

Accordingly, in fashioning any remedy to PAS, the court, counsel, and the mental health specialist or psychologist must begin with the premise that children will do best when having access to both parents. No proof should be required to support this conclusion, and equal access to both the mother and the father should be legally presumed.

Inequality of access should result only when there is specific evidence that the accused parent has been guilty of abuse or has clearly violated good parental judgment on a somewhat consistent basis; otherwise, there should be no deviation.

Without keeping this perspective in mind, it is indeed difficult to establish any clear sense of the truth because one will always be caught up in the endless chasing of alleged events that are just beyond specific proof but, yet, nevertheless, found to be credible because of the inferences drawn from them.

It is only with the above presumption in mind, as well as that of shared parental responsibility, that a baseline can be created whereby the AP's allegations, as well as the TP's responses and counter-allegations, may be tested in a true light.

The strategies utilized by the AP to alienate the children and the other parent vary from the most subtle to the most obvious. They all, however, have a consistent theme: any opportunity for the AP to control access and contact or the sharing of major decisions with reference to the child is apt to be exploited. Therefore, limiting the avenues available removes this interference obstacle.

An interesting concept recently advanced to correct this dilemma is the multi-directional court order.<sup>(6)</sup> The court order specifies exactly the dates, times, and conditions of visitation. Further, it directs all of the persons closely associated with the AP, as well as the TP, to comply with the court order.

For example, it defines an exact date and time visitation schedule, as well as a precisely defined neutral location for visitation transfer, if that is required.

It may appoint an individual agreeable to both parties or appointed by the court to monitor and supervise the visitation transfers, if required.

Clearly worded authorization is given to all law enforcement officers to execute the transfer of the child specified in the order and, should a parent violate the specified date and time to deliver the child, the court order directs the law enforcement agency to assist the victimized parent in locating his or her child and, additionally, arrest the violating parent.

Ample authority to school personnel to provide whatever access is meaningful to the nonresidential parent is also spelled out.

Clear directives to all personnel involved in any activity relative to the child is given with the right to permit the nonresidential parent full access to any organization involving the child, should it be educational, financial, medical, professional, recreational, religious, or otherwise.

Lastly, it contains authorization to any individual and a directive to assist the nonresidential parent so that no behavior will transpire which will interfere with the contact and access rights accorded to him or her by the court order.

The order does not contain empty threats but rather delineates the penalties that may be imposed if the court order is violated.

A drafting suggestion may be to include a step-up of the sanctions involved with an appropriate list of penalties at the court's discretion which may include increased parental access and contact by the TP, monetary fines, the posting of security, community service, payment of attorneys' fees and costs, incarceration, and loss of primary residential responsibility and primary residential custody, *Schutz v. Schutz*, 522 So. 2d 874 (Fla. 3d DCA 1988). Also meaningful is a public apology as a sanction. This apology may be to the child in the courtroom, along with a promise not to interfere again, or a letter of apology to others, such as school personnel, organizational leaders, or one involved in a religious activity of the child. *Schutz v. Schutz*, 581 So. 2d 1290 (Fla. 1991).

### **The Role of the Attorney, Psychologist, Court and a Remedial Plan**

From the general overview previously discussed, it is easy to see how PAS cases lend themselves to productive intervention, be it by court decision or voluntary settlement. One important roadblock is, however, fear.

Many attorneys or other professionals, especially therapists, tend to shy away from direct confrontation with the AP out of fear of being wrong. The price of such error is certainly harmful to the minor child, as well as a future malpractice action or criminal charge, especially in the case of a psychotherapist. While generally these clinicians do not fender "black and white" recommendations, they will in this instance most generally engage in lukewarm generic advice and, by doing so, directly or indirectly support the PAS.

In all events, successful intervention of PAS requires coordination by the court and all members of the legal and mental health community.

The attorney for the TP will find a receptive audience as a client, while the attorney for the AP has a more difficult role. The AP, having invested substantial time and collected substantial evidence, wants the attorney, mental health professional and judicial system to agree with him or her.

Accordingly, this attorney must be called upon to exercise professional judgment and to avoid being swept up in the process of PAS by remaining neutral or not focusing entirely on all of the known evidence.

In any event, the attorneys must cooperate together in securing representation for each interested party, including the minor child. The appointment of a guardian ad litem provides a special opportunity for additional coordination of efforts and, at long last, some collaboration in the fact finding process as to PAS.

Attorneys representing these parents are ill-equipped to render the necessary professional judgment required to bring the family back to a more constructive route, and thus the next step is to involve a mental health professional who is familiar with family law, custody assessment, and PAS. These authors recommend a court-appointed expert for this purpose.

The role of the court-appointed psychologist must be to first identify the causation and rejection of a parent by the child and to determine whether or not it is the result of PAS.

This psychological evaluation, to be used as the integral part of the remedial plan, must go beyond the identification process and be directly oriented toward the motives of all family members, the defense factors or functions of PAS in the family, and the specific techniques employed and patterns involved.

Further, the evaluation must be dedicated to routing out the extent of the alienation and the psychological or emotional damage done. A written evaluation is prepared and forwarded to the court and counsel.

Once the evaluation is completed, then, and only then, should joint corroboration on a rehabilitative plan begin. It should hopefully be nonadversarial, but if the controversy still brews, the court must quickly intervene and use its authority.

The court, at this point, should encourage joint negotiations or family law mediation as being preferable to a non-jury trial. Even, however, should these alternatives prove futile, the trial judge is now, nevertheless, in the position of having an in-depth knowledge of the causation and extent of the family chaos at hand and a useful roadmap in the way of the evaluation to help chart a course for its correction.

Any intervention plan must be based upon the premise that there is a distinct advantage to having an on-going relationship between the minor children and the TP. This is the goal of the remedial plan!

By drawing in, and with all family members contributing, the end product hopefully will reflect the airing of all family views and thus a better prospect for a family contract or compact.

Any meaningful plan should include a provision for a neutral or independent mental health expert to be appointed or selected as a monitor relative to the future needs of the child and as a "safe harbor" for that minor. It should also provide for a referral as to separate therapists for each of the parents, as well as perhaps an on-going evaluation by the guardian ad litem and court-appointed expert.

In any event, once the evaluation is completed, swiftly orchestrating such a plan to fruition will greatly diminish the PAS process and, in most cases, eliminate it completely. Acting in this manner and establishing the benefits of a renewed and continuing relationship, the family now begins to draw closer together in providing solutions rather than problems, and the child, once and for all, is finally relieved of previous emotional pressures.

1 R. Gardner, *Parental Alienation Syndrome and the Differentiation Between Fabricated and Genuine Child Sex Abuse* (1987).

2 Dunne and Hedrick, *The Parental Alienation Syndrome: An Analysis of Sixteen Selected Cases*, *J. Divorce & Remarriage* (1994).

3 Waldron and Joanis, *Understanding and Corroboratively Treating Parental Alienation Syndrome*, 10Am. J. Fam. L. 121-133 (1996).

4 *Id.* at 126.

5 *Frye v. United States*, 293 F. 2d 1013 (D.C. Cir. 1923); *Daubert v. Merrel Dow Pharmeceuticals, Inc.*, 113 S.Ct. 2786 (1993); *Karen "PP" v. Claude "OO,"* 574 N.Y.S. 2d 267 (Fam. Ct. 1991); *In re Marriage of Wiederholt v. Fisher*, 485 N.W. 2d 442 (Wis. Ct. App. 1992); *Page v. Jordan by and through Jordan*, 564 So. 2d 500 (Fla. 2d D.C.A. 1990); *The Parental Alienation Syndrome: A Dangerous Aura of Reliability*, LOY. L.A. L. REV. (spring 1994); *Gardner's Law*, NAT'L L.J. Vol. 15, NO. 50, Aug. 16, 1993.

6 Turkat, *Management of Visitation Interference*, *Judges' J.*, A.B.A., Feb. 1997.

---

## AUTHORS

*Michael R. Walsh is a sole practitioner in Orlando. He is a board certified marital and family lawyer, certified mediator and arbitrator and a Fellow of the American Academy of Matrimonial Lawyers. For more than 20 years, he has been a frequent lecturer and author for The Florida Bar.*

*J. Michael Bone, Ph.D, is a sole practice psychotherapist and certified family law mediator in Maitland. He specializes in divorce and post-divorce issues involving minor children, and has a special interest in PAS. He has served as an expert witness on these and related topics and has been appointed by the court to make recommendations involving PAS and families.*

*This column is submitted on behalf of the Family Law Section, Martin L. Haines, chair, and John Morse, editor.*