PARENTAL ALIENATION SYNDROME: DEBUNKED, DISPROVEN AND DANGEROUS THEORY

Parental Alienation Syndrome (PAS) has been discredited by the Scientific and Legal community; it is now commonly referred to as “Emotional Abuse”.

Either way, abusive parents commonly use Emotional Abuse or PAS or Domestic Violence by Proxy to shift attention away from their abusive actions.

NOTE: No gender bias is intended in the selection of the following articles as both Moms and Dads have been falsely accused or have experienced PAS or Emotional Abuse and their children have lost precious time with a deserving, fit parent. The articles are copied verbatim from the sources identified and have been included here for your easy reference. Many more are available with a web search.

Description of Parental Alienation
“Parental alienation is a social dynamic, generally occurring due to divorce or separation, when a child expresses unjustified hatred or unreasonably strong dislike of one parent, making access by the rejected parent difficult or impossible. These feelings may be influenced by negative comments by the other parent and by the characteristics, such as lack of empathy and warmth, of the rejected parent. The term does not apply in cases of actual child abuse, when the child rejects the abusing parent to protect themselves.

Parental alienation is controversial in legal and mental health professions, both generally and in specific situations. Terms related to parental alienation include child alienation, pathological alignments, visitation refusal, pathological alienation, the toxic parent and parental alienation syndrome, though the last term is a specific formulation of a medical syndrome by psychiatrist Richard Gardner that is not well accepted.”


Differentiation
“Realistic estrangement is a different phenomenon from "pathological alienation". The former is an understandable refusal by a child to see an abusive parent, while the latter is emotionally harmful and unjustified.

Latest Research
Other researchers have suggested focusing less on diagnosing a syndrome and more on what has been described as the "alienated child", and the dynamics of the situation that have contributed to the alienation. In this view, alienation is seen as a breakdown of attachment between parent and child, and may be caused by multiple factors. The behaviors of all family members, including those of the alienated parent, may lead to the family dysfunction and rejection of a parent. The evaluation of all contributing factors and all possible remedies are recommended in evaluating cases where children have estranged from a parent.
Parental alienation lacks a single definition and its existence, etiology, characteristics and in particular the description of the term as a syndrome has been subject to still-unresolved debate. Some formulations of the concept have emphasized the role of an alienating parent, termed variously the "programming" parent and "embittered-chaotic parent". More recent descriptions, influenced by the research of Kelly and Johnston, have proposed a more complex analysis, in which all family members may play a role. This "systems-based" view acknowledges that a child may be alienated from one parent without "alienating" behavior by the other parent.

Based on an empirical study, it also suggests that alienating behaviors by both parents is the norm in high-conflict divorces. Rejected parents tend to lack warmth and empathy with the child, engage in rigid parenting and critical attitudes, and are passive, depressed, anxious and withdrawn - characteristics which may encourage rejection. The parent that the child aligns with - the aligned parent - may engage in alienating behaviors, by undermining the other parent: these behaviors may be conscious and deliberate or alternatively may reflect a lack of awareness on the effect of their actions on their children.

- Direct alienating behaviors occur when one parent actively undermines the other parent, such as making derogatory remarks about the other parent or telling the child that the other parent is responsible for the separation or the cause of financial difficulties.
- Indirect alienation behaviors occur when one parent fails to support access or contact with the other parent, or tacitly accepts the child's negative behavior and comments towards the other parent.

Most of the peer reviewed publications on the subject have been in the form of descriptions and definitions. Some empirical research has been done, though the quality of the studies varies widely and the research in the area is still underdeveloped. Despite the concept being poorly-defined and conclusions premature, the beliefs of judges, lawyers, and mental health professionals have been cited extensively in peer reviewed literature.

**Professional acceptance**

A survey of mental health and legal professionals indicated that there is moderate support for the existence of parental alienation, but reluctance to accept the concept of parental alienation syndrome.”

In December 2012, the American Psychiatric Association announced that Parental Alienation Syndrome would not be included in the Diagnostic and Statistical Manual of Mental Disorders (DSM-V) to be released in 2013.


**NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES: A WORD OF CAUTION**

“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.35 In *Kumho Tire v. Carmichael*, 526 U.S. 137 (1999), the Supreme Court ruled that even expert testimony based in the “soft sciences” must meet the standard set in
the *Daubert* case. *Daubert*, in which the court re-examined the standard it had earlier articulated in the *Frye* case, requires application of a multi-factor test, including peer review, publication, testability, rate of error, and general acceptance. PAS does not pass this test. Any testimony that a party to a custody case suffers from the syndrome or “parental alienation” should therefore be ruled inadmissible and stricken from the evaluation report under both the standard established in *Daubert* and the earlier *Frye* standard.

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. It also diverts attention away from the behaviors of the abusive parent, who may have directly influenced the child’s responses by acting in violent, disrespectful, intimidating, humiliating, or discrediting ways toward the child or the other parent. The task for the court is to distinguish between situations in which the child is critical of one parent because they have been inappropriately manipulated by the other (taking care not to rely solely on subtle indications), and situations in which the child has his or her own legitimate grounds for criticism or fear of a parent, which will likely be the case when that parent has perpetrated domestic violence. Those grounds do not become less legitimate because the abused parent shares them, and seeks to advocate for the child by voicing his or her concerns.


**NATIONAL DISTRICT ATTORNEYS ASSOCIATION: PARENTAL ALIENATION SYNDROME IS “UNPROVEN THEORY THAT CAN THREATEN THE SAFETY OF ABUSED CHILDREN”**

“PAS is an unproven theory that can threaten the integrity of the criminal justice system and the safety of abused children. In short, PAS is an untested theory that, unchallenged, can have far-reaching consequences for children seeking protection and legal vindication in courts of law. Prosecutors and other child abuse professionals should educate themselves, their colleagues and clients when confronting PAS in the legal realm.”


**PAST PRESIDENT OF AMERICAN PSYCHIATRIC ASSOCIATION: “JUNK SCIENCE USED NATIONWIDE BY BATTERERS AS A COURTROOM TACTIC TO SILENCE ABUSED CHILDREN”**

“Parental Alienation Syndrome has been used nationwide by batterers as a courtroom tactic to silence abused children by attempting to discredit their disclosures of abuse. This theory is not recognized as valid by the American Psychological Association, the American Psychiatric Association, or the American Medical Association. Parental Alienation Syndrome is not accepted as a psychiatric diagnosis, and has been rejected by the mainstream psychological
community. Parental Alienation Syndrome is junk science; there is no valid research or empirical data to support this unproven theory.”
(Source: Fink, Dr. P.J., past president of the American Psychiatric Association, and Hon. Sol Gothard, retired judge and former faculty member for the National Council of Juvenile and Family Court Judges, Los Angeles Daily Journal, November 1, 2005)

THE EVIDENTIAL ADMISSIBILITY OF PARENTAL ALIENATION SYNDROME: SCIENCE, LAW, AND POLICY

“This article presents the first comprehensive analysis of the science, law, and policy issues involved in PAS’s evidentiary admissibility. As a novel scientific theory, PAS’s admissibility is governed by a variety of evidentiary gate keeping standards that seek to protect legal fora from the influence of pseudo-science. This article analyzes every precedent-bearing decision and law review article referencing PAS in the past twenty years, finding that precedent holds PAS inadmissible and the majority of legal scholarship views it negatively.

The article further analyzes PAS’s admissibility under the standards defined in Frye v. United States, Daubert v. Merrell Dow Pharmaceuticals, Kumho Tire Company v. Carmichael, and Rules 702 and 704(b) of the Federal Rules of Evidence, including analysis of PAS’s scientific validity and reliability; concluding that PAS remains an ipse dixit and inadmissible under these standards. The article also analyzes the writings of PAS’s originator, child psychiatrist Richard Gardner—including twenty-three peer-reviewed articles and fifty legal decisions he cited in support of his claim that PAS is scientifically valid and legally admissible—finding that these materials support neither PAS’s existence, nor its legal admissibility. Finally, the article examines the policy issues raised by PAS’s admissibility through an analysis of PAS’s roots in Gardner’s theory of human sexuality, a theory that views adult-child sexual contact as benign and beneficial to the reproduction of the species.”

DOMESTIC VIOLENCE (DV) BY PROXY: WHY TERRORIST TACTICS EMPLOYED BY BATTERERS ARE NOT "PAS"

“Domestic Violence by Proxy (DV by Proxy) refers to a pattern of behavior which is a parent with a history of using domestic violence or intimidation, uses a child as a substitute when he no longer has access to his former partner. Calling this behavior “parental alienation” is not strong enough to convey the criminal pattern of terroristic behaviors employed by batterers.

When his victim leaves him, batterers often recognize that the most expedient way to continue to hurt his partner is to assert his legal rights to control her access to their children. By gaining control of the children, an abusive male now has a powerful tool which allows him to continue to stalk, harass and batter an ex-partner even when he has no direct access to her. Moreover, by emotionally torturing the child and severing the bond between children and their mother, he is able to hurt his intended victim -- the mother -- in a way she cannot resist.”
THE ALIENATED CHILD: A REFORMULATION OF PARENTAL ALIENATION SYNDROME

“In this article, controversies and problems with parental alienation syndrome are discussed. A reformulation focusing on the alienated child is proposed, and these children are clearly distinguished from other children who resist or refuse contact with a parent following separation or divorce for a variety of normal, expectable reasons, including estrangement. A systemic array of contributing factors are described that can create and/or consolidate alienation in children, including intense marital conflict, a humiliating separation, parental personalities and behaviors, protracted litigation, and professional mismanagement. These factors are understood in the context of the child’s capacities and vulnerabilities.

Children’s relationships to each parent after separation and divorce can be conceptualized along a continuum of positive to negative (with the most negative being alienation) as shown in Figure 1.”

![Figure 1. A continuum of children’s relationships with parents after separation and divorce.](http://jkseminars.com/pdf/AlienatedChildArt.pdf)

CHILDREN RESISTING POST SEPARATION CONTACT WITH A PARENT: CONCEPTS, CONTROVERSIES, AND CONUNDRUMS

“This article provides an overview of the key concepts, themes, issues, and possible mental health and legal interventions related to children’s post separation resistance to having contact with one parent. We maintain that the too often strongly gendered polemic on alienation and abuse is polarizing and needs to be replaced with a more nuanced and balanced discussion that recognizes the complexity of the issues so that the needs of children and families can be better
This article reviews the historical development of the concept of alienation; discusses the causes, dynamics, and differentiation of various types of parent-child contact problems; and summarizes the literature on the impact of alienation on children.

These are complex cases. A significant portion of the cases in which alienation is alleged are not in fact alienation cases; for those where alienation is present, interventions will vary depending on the degree of the alienation. More severe alienation cases are unlikely to be responsive to therapeutic or psycho-educational interventions in the absence of either a temporary interruption of contact between the child and the alienating parent or a more permanent custody reversal. We conclude with a summary of recommendations for practice and policy, including the need for early identification and intervention to prevent the development of severe cases, interdisciplinary collaboration and further development and research of interventions.”


A CRITICAL ANALYSIS OF PARENTAL ALIENATION SYNDROME AND ITS ADMISSIBILITY IN THE FAMILY COURT

“Over the past three decades, a syndrome, titled Parental Alienation Syndrome (PAS), has been proposed to explain behaviors by a child who refuses to spend time with a parent and actually denigrates that parent within the context of a child custody dispute. The association of certain negative behaviors by one parent (called the 'alienator') towards the other parent (called the 'target parent') are said to be the cause of the child's (called 'alienated child') behavior. Although some mental health professionals and child custody evaluators, attorneys, and judges have been quick to accept and admit PAS as evidence in these disputes, especially in those that have cross-complaints alleging family violence, there has been no consistent empirical or clinical evidence that PAS exists or that the alienator's behavior is the actual cause of the alienated child's behavior towards the target parent.

It is argued here that the PAS construct itself is flawed and its use by custody evaluators to justify placement with the rejected parent may result in more serious damage to the child who is taken away from the parent to whom the child has bonded. These authors suggest that the PAS argument has been accepted by some courts that seem almost eager to punish the so-called alienating parent without regard for the immediate or long-term impact on the child. PAS has had difficulty meeting Daubert or Frye admissibility standards in criminal courts but few family courts have held hearings to determine its scientific integrity. This article attempts to help those working with custody issues understand how the PAS construct fails to meet scientific standards and should not be admissible in courts.”

PRESIDENTIAL TASK FORCE ON VIOLENCE AND THE FAMILY: PARENTAL ALIENATION CAN BE USED BY VIOLENT PARENT AGAINST VICTIM
“Noting that custody and visitation disputes appear to occur more frequently when there is a history of domestic violence. Family courts often do not consider the history of violence between the parents in making custody and visitation decisions. In this context, the nonviolent parent may be at a disadvantage, and behavior that would seem reasonable as a protection from abuse may be misinterpreted as a sign of instability. Psychological evaluators not trained in domestic violence may contribute to this process by ignoring or minimizing the violence and by giving inappropriate pathological labels to women’s responses to chronic victimization. Terms such as parental alienation’ may be used to blame the women for the children’s reasonable fear or anger toward their violent father.”

THE AMERICAN PSYCHOLOGICAL ASSOCIATION
"The American Psychological Association (APA) believes that all mental health practitioners as well as law enforcement officials and the courts must take any reports of domestic violence in divorce and child custody cases seriously. An APA 1996 Presidential Task Force on Violence and the Family noted the lack of data to support so-called "parental alienation syndrome", and raised concern about the term's use. However, we have no official position on the purported syndrome."

RECENT HIGHER COURT DECISIONS RE: PARENTAL ALIENATION AND PARENTAL ALIENATION SYNDROME
“In the following cases, a higher court affirmed a lower's court's ruling based, in part, on findings regarding allegations of parental alienation.” The court decisions are public record.
- United States – Individual States listed
- Canada
- United Kingdom
- Germany
- Israel
- Switzerland
- European Court of Human Rights at Strasbourg

ADDITIONAL PARENTAL ALIENATION ARTICLES:
• Parental Alienation Syndrome and Parental Alienation: Getting It Wrong In Child Custody Disputes by Carol S. Bruch. March 15, 2011.
• Parental Alienation Syndrome and Parental Alienation by Joan Meier. Summer 2009.
• Parental Alienation Syndrome in Family Courts by Professor Carolyn Quadrio. May 1, 2003.
• Parental Alienation Syndrome Revisited by Dr. Lois Achimovich. May 1, 2003.