

Introduction — Parental Alienation: A Contested Concept

Kathleen Coulborn Faller, PhD, ACSW, LMSW

The American Professional Society on the Abuse of Children (APSAC) is pleased to provide articles discounting and supporting the concept of parental alienation (PA) in situations of contested child custody. Consistent with its mission to provide the best professional response to child maltreatment, APSAC has engaged in a number of endeavors related to PA, including the APSAC Position Paper on Allegations of Child Maltreatment and Intimate Partner Violence in Divorce/Parental Relationship Dissolution (2016). In this publication, APSAC provides an evidence-based and balanced approach to investigation, evaluation, and case management of these complex child welfare and child custody cases. This section of the Advisor intends to further articulate the spectrum of controversies related to PA. The reader will be assisted by accessing the Appendix to this Introduction, which provides current definitions of terms employed in the debate over PA along with citations; these definitions are also found, in part, in the APSAC position paper cited above.

In this APSAC Advisor section, there are primary articles in support of (Milchman, 2020, this issue) and in opposition to (Geffner & Sandoval, 2020, this issue) PA. The authors then respond in secondary articles to the arguments in the opposing position.

The Context

Typically, allegations of child sexual abuse are hotly contested in all contexts, both intrafamilial and extrafamilial. They are especially contested in intrafamilial sexual abuse when the non-accused parent attempts to act to protect the victim(s). Cases with these characteristics often are litigated in the domestic relations (divorce) court. In this court, children do not automatically have legal representation as they do in child protection legal proceedings; in this court, parents are separately represented if they have funds to hire attorneys. Children, like property held in common by the parents, are subject to division, as found in custody and visitation requirements. Moreover, there is abiding history of skepticism about allegations of parental bad acts in the domestic relations court (based, in part, on the past requirement of a finding of bad acts by one or both parents) for there to be grounds for divorce (Faller, 2003, chapter 10).

Parental Alienation History

In the 1980s, Richard Gardner, a child psychiatrist in

private practice, proposed an alternative explanation for allegations of sexual abuse when parents are separated, divorcing, or divorced, which he called parental alienation syndrome (PAS). His theory was that there was a collusion between the child and the non-accused parent (90% of the time, the mother) to make false allegations of misdeeds against the accused parent (90% of the time, the father), including the ultimate weapon, an allegation of sexual abuse. The father was either a good parent or had minor flaws as a parent. Gardner further asserted that the vast majority of incest allegations are true, but the vast majority of incest allegations in divorce/separation cases are false (Gardner, 1998).

Gardner's theory had great appeal, both because professionals and lay people are loath to believe sexual abuse and because PAS proved to be a powerful weapon in custody proceedings. PAS was appealing not only to accused parents and lawyers representing them but also to a cohort of mental health professionals conducting custody evaluations and testifying about their results in court. That said, custody evaluators may make findings in support of PAS or against PAS.

The Controversy

Professionals who tend to find PAS liken parental alienations behaviors (PAB) to psychological abuse (Baker, 2009), some describing PAB as a form of family violence (Harman, Kruk, & Hines, 2018). Thus, PAB is placed on an equal plane with child sexual abuse, physical abuse, and neglect and is assumed to have pervasive negative effects on children.

At the other end of the spectrum are professionals who assert that PA is rare and is a smokescreen to obscure child maltreatment and domestic violence in circumstances where the non-accused parent attempts to protect her children and herself (Meier, 2009). These professionals assert that a claim of PA often results in a failure to investigate and assess allegations of child maltreatment or intimate partner violence, resulting in traumatized children and adults being placed in situations of danger (Faller, 2003, chapter 10).

There is a prodigious body of writings, on one hand, in support of PAS. It is frequently cited by PAS proponents as demonstrating the existence of PAS (e.g., Bernet, 2010). On the other hand, those concerned that PAS is used against traumatized children and adults in domestic relations court proceedings are critical of this literature (Sanders, Geffner, Bucky, Ribner, & Patino, 2015). In a careful review of PA research, Saini, Johnston, Fidler, and Bala (2016, p. 374) note that there is “a lack consensus on the definitions of alienation and the use of varying nonstandardized measures and procedures limit the ability of researchers to undertake methodologically sound research...” These authors further note “Studies of alienation have generally used small, nonrandom samples with no comparison group...”

Further Developments in PA

Gardner (1998) expanded the types of allegations to which he applied the term PAS to include domestic violence and child physical abuse. That said, Gardner’s claims remained that these were false allegations to gain traction in divorce cases.

In an effort to get PA into the *Diagnostic and Statistical Manual* (DSM-5) (2013), proponents reformulated it

and used the term parental alienation disorder (PAD) (Bernet, 2010). PAD resides in the child rather than being a result of collusion between the child and the non-accused parent, but the assumption remains that there is no justification for the child’s alienation from the accused parent. Although Bernet and colleagues were unsuccessful in getting PAD listed as a child disorder in the DSM-5, their efforts continue as they attempt to get it listed in the *International Classification of Diseases* (ICD-11).

In the United States, criticisms of the utility of PAS/PAD for explaining the child’s feelings of alienation and fear of the accused parent reached the National Council on Juvenile and Family Court Judges (NCJFCJ). The NCJFCJ issued a guide that advised against allowing PAS/PAD testimony in disputed custody cases, characterizing its support as “soft science” (Bowles, Christian, Drew, & Yetter, 2008). Despite the existence of this guide, such testimony continues to be heard in courts. Many proponents now merely use the term parental alienation, in part to distance themselves from the criticisms of PAS/PAD (Baker, 2009).

Remedies When PA Is Alleged

A troubling aspect of the debate about PA is the remedy proposed by its proponents. They frequently argue for a change of custody from the parent to whom the child is affiliated to the accused parent. If, in fact, the child has been abused by the accused parent, change of custody places the child in grave jeopardy. More recently has been the growth of reunification programs to “re-program” children into a positive relationship with the accused parent. Often these programs require a no-contact order with the parent to whom the child is affiliated (Mercer, 2019; Warshak, 2015). Some courts have ordered no contact for the child’s entire minority.¹

Professionals who dispute these draconian remedies argue that if PA has, indeed, occurred, a more benevolent intervention is treatment (APSAC, 2016). The structure of this treatment should vary based upon the dynamics of the PA, for example, whether the parent to whom the child is affiliated played a role in the child’s alienation.

¹ A specific citation cannot be provided for this assertion because it is based upon personal knowledge about individual cases.

Conclusion

The articles in this “contested issues” section are written by very respected custody evaluators. They provide arguments for and against a consideration of PA as an explanation of child maltreatment and intimate partner violence when there is a parental relationship dissolution. Neither the “pro” nor the “con” article is written by professionals at the extreme ends of the controversy. This decision was made so the APSAC audience would be exposed to evidence-based perspectives that consider multiple hypotheses when allegations of PA arise and there is a custody dispute.

About the Guest Editor

Kathleen Coulborn Faller, PhD, ACSW, DCSW, is Marion Elizabeth Blue Professor Emerita of Children and Families in the School of Social Work at the University of Michigan and Co-Director of the Family Assessment Clinic of Washtenaw Co., Michigan. She is the author, editor, or co-editor of ten books. She has published over 100 research and clinical articles. She has been a member of American Professional Society on the Abuse of Children (APSAC) since its inception and served on the APSAC Board of Directors 1991-1997 and the APSAC Executive Committee 1992-1997. She was a member of the APSAC Board (2013-2019) and the Executive Committee (2014-2019). She chairs the Practice Guidelines Committee. She also served as chair of the Publications Committee (2015-2019) and continues to serve on the committee as a member.

Introduction - Parental Alienation: A Contested Concept

- American Professional Society on the Abuse of Children (APSAC). (2016). *APSAC position paper on allegations of child maltreatment and intimate partner violence in divorce/parental relationship dissolution*. Columbus, OH: Author. Retrieved from www.APSAC.org
- American Psychiatric Association (APA). (2013). *Diagnostic and statistical manual of mental disorders, fifth edition (DSM-5)*. Arlington, VA: American Psychiatric Publishing.
- Baker, A. (2009). Adult recall of parental alienation in a community sample: Prevalence and associations with psychological maltreatment. *Journal of Divorce & Remarriage*, 51(1), 16-35. doi:10.1080/10502550903423206
- Bernet, W. (2010). *Parental alienation: DSM-5 and ICD-11*. Springfield, IL: Charles Thomas Publishers.
- Bowles, J. J., Christian, K. K., Drew, M. B., & Yetter, K. L. (2008). *A judicial guide to child safety in custody cases*. Reno, NV: National Council of Juvenile and Family Court Judges.
- Faller, K. C. (2003). Chapter 10: Sexual abuse allegations in divorce. In *Understanding and assessing child sexual maltreatment, second edition* (pp. 237-272). Thousand Oaks, CA: Sage.
- Gardner, R. (1998). *The parental alienation syndrome, second edition*. Cresskill, NJ: Creative Therapeutics.
- Geffner, R. & Sandoval, A.H. (2020). Parental alienation syndrome/parental alienation disorder (PAS/PAD): A critique of a ‘disorder’ frequently used to discount allegations of interpersonal violence and abuse in child custody cases. *APSAC Advisor*, 32(1), 28-37.
- Harman, J., Kruk, E., & Hines, D. (2018). Parental alienating behaviors: An unacknowledged form of family violence. *Psychological Bulletin*, 144(12), 1275–1299.
- Meier, J. (2009). A historical perspective on parental alienation syndrome and parental alienation. *Journal of Child Custody*, 6, 232–257.
- Mercer, J. (2019). Are intensive parental alienation treatments effective and safe for children and adolescents? *Journal of Child Custody*, 16(1), 67-113.
- Milchman, M.S. (2020). Seeking a bridge between child sexual abuse and parental alienation experts. *APSAC Advisor*. 32(1), 23-27.
- Sanders, L., Geffner, R., Bucky, S., Ribner, N., & Patino, A. J. (2015). A qualitative study of child custody evaluators’ beliefs and opinions. *Journal of Child Custody: Research, Issues, and Practices*, 12(3-4), 205–230. <https://doi.org/10.1080/15379418.2015.1120476>
- Saini, M., Johnston, J., Fidler, B., & Bala, N. (2016). Chapter 13: Empirical evidence of alienation: Updated review. In Leslie Drozd, Michael Saini, & Nancy Olesen (Eds.), *Parenting plan evaluations: Applied research for the family court* (2nd ed.) (pp. 374-430). New York: Oxford University Press.
- Warshak, R. (2015). Parental alienation: Overview, management, intervention, and practice tips. *Journal of American Academy of Matrimonial Lawyers*, 28, 181-248.

Appendix

Parental Alienation (PA)

Reference:

Lorandos, D., Bernet, W., & Sauber, R. (2013). *Parental alienation: The handbook for mental health and legal professionals*. Springfield, IL: Charles Thomas Publisher.

PA is a term currently employed by parental alienation advocates.

Parental Alienation Syndrome (PAS)

References:

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

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

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

Symptoms in the child are as follows:

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

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

Parental Alienation Disorder (PAD)

References:

Bernet, W. (2010). *Parental alienation: DSM-5 and ICD-11*. Springfield, IL: Charles Thomas Publishers.

Bernet, W., von Boch-Galhau, W., Baker, A., & Morrison, S. (2010). Parental alienation, DSM-V, and ICD-11. *The American Journal of Family Therapy*, 38(2), 76-187.

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

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

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

Continued on next page...

Appendix, cont.

resists or refuses visitation or parenting time with the alienated parent.

B. The child manifests the following behaviors:

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

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

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

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

Parental Alienating Behaviors (PAB)

Reference:

Saini, M., Johnston, J., Fidler, B., & Bala, N. (2016). Empirical evidence of alienation: Updated review. In Leslie Drozd, Michael Saini, & Nancy Olesen (Eds), *Parenting plan evaluations: Applied research for the family court* (2nd ed.) (pp. 374-430). New York: Oxford University Press.

Parental alienating behavior (PAB) refers to false, malicious, and unjustified negative beliefs, attitudes, and behaviors by one parent about the other parent that have the purpose of sabotaging a child's relationship with and wish to spend time with the other parent (Saini, Johnston, Fidler, & Bala, 2016).

The Alienated Child

Reference:

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

The Estranged Child

Reference:

Saini, M., Johnston, J., Fidler, B., & Bala, N. (2016). Empirical evidence of alienation: Updated review. In Leslie Drozd, Michael Saini, & Nancy Olesen (Eds), *Parenting plan evaluations: Applied research for the family court* (2nd ed.) (pp. 374-430). New York: Oxford University Press.

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

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

Continued on next page...

Appendix, cont.

Parental Alienation Theory (PAT)

References:

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

Milchman, M. M. (2017). Misogyny in New York custody decisions with parental alienation and child sexual abuse allegations. *Journal of Child Custody*, 14(4), 234-259. doi:10.1080/15379418.2017.1416723

Parental alienation theory refers to underlying assumptions that result in the child making a false allegation of sexual abuse. Gardner's views about why children and parents make false allegations of sexual abuse in divorce, more specifically how children come to possess the sexual knowledge to make these allegations and why parents might make such allegations, are as follows. With regard to children, Gardner describes them as polymorphous perverse. To quote him, "Children normally exhibit just about any kind of sexual behavior imaginable: heterosexual, homosexual, bisexual, and autosexual." In his opinion, "the normal child experiences and exhibits a wide variety of sexual fantasies and behaviors" (Gardner, 1992, p. 124).

To again quote Gardner, "A four-year-old girl, for example, may harbor, among her collection of polymorphous perverse fantasies, thoughts of some kinds of sexual encounters with her father" (Gardner, 1992, p. 125). Gardner also believed that children make these allegations because they are cruel. For example, he has written, "What is striking is the degree of sadism that many of these children may exhibit. In many of these cases I have been impressed by what I consider to be the innate cruelty of these children..." (Gardner, 1992, pp. 119-120). With regard to mothers, Gardner stated, "Each time the accusers make an accusation, they are likely to be forming an internal visual image of the sexual encounter. With each mental replay, the accusers gratify the desire to be engaging in the activities that the perpetrators are involved in the visual imagery" (Gardner, 1991, p. 25). Alternatively, he proposed that mothers who make allegations of sexual abuse against their ex- or soon-to-be ex-partners are delusional (Gardner, 1992). With regard to fathers, Gardner stated that the alienated parent has "provided normal loving parenting or, at worst, exhibited minimal impairments in parenting capacity" (Gardner, 1992, p. xviii).

Milchman (2020, this issue) points out that Gardner's theory is fundamentally misogynistic. Moreover, current PAT theory acknowledges there are potentially multiple causes for the child's alienation from a parent. Moreover, alienating behaviors can be engaged in by both mothers and fathers.