

PARENTAL ALIENATION SYNDROME: HOW TO DETECT IT AND WHAT TO DO ABOUT IT

by J. Michael Bone and Michael R. Walsh

from **THE FLORIDA BAR JOURNAL, VOLUME 73, NUMBER 3, MARCH 1999 p 44-47**

Although parental alienation syndrome (PAS) is a familiar term, there is still a great deal of confusion and unclarity about its nature, dimensions, and, therefore, its detection.¹ Its presence, however, is unmistakable. In a longitudinal study of 700 “high conflict” divorce cases followed over 12 years, it was concluded that elements of PAS are present in the vast majority of the samples.² Diagnosis of PAS is reserved for mental health professionals who come to the court in the form of expert witnesses. Diagnostic hallmarks usually are couched in clinical terms that remain vague and open to interpretation and, therefore, susceptible to argument pro and con by opposing experts. The phenomenon of one parent turning the child against the other parent is not a complicated concept, but historically it has been difficult to identify clearly. Consequently, cases involving PAS are heavily litigated, filled with accusations and counter accusations, and thus leave the court with an endless search for details that eventually evaporate into nothing other than rank hearsay. It is our experience that the PAS phenomenon leaves a trail that can be identified more effectively by removing the accusation hysteria, and looking ahead in another positive direction.

*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.*

For the purpose of this article the authors are assuming a fair degree of familiarity with parental alienation syndrome on the part of the reader.³ There are many good writings on PAS which the reader may wish to consult now or in the future for general information. Our focus here is much more narrow. Specifically, the goal is twofold. First we will describe four very specific criteria that can be used to identify potential PAS. In most instances, these criteria can be identified through the facts of the case, but also can be revealed by deposition or court testimony. Secondly, we wish to introduce the concept of “attempted” PAS; that is when the criteria of PAS are present, but the child is not successfully alienated from the absent parent. This phenomenon is still quite harmful and the fact of children not being alienated should not be viewed as neutral by the court.

The criteria described below are fairly easy to identify separate and apart from the court file. When there is uncertainty about any of them, these criteria can be used to guide the attorney in the deposing of witnesses as well as in their examination in court.

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.⁴ 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.⁵ 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. Alarming, 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.⁶

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.

¹ PAS syndrome applies and relates equally to the nonresidential, as well as the residential parent. D.C. Rand, *The Spectrum of Parental Alienation Syndrome*. 15 AM. J. FORENSIC PSYCHOL. No. 3 (1997).

² S.S. Clawar and B.V. Rivlin, *Children Held Hostage: Dealing with Programmed and Brainwashed Children*, A.B.A. (1991).

³ M. Walsh and J.M. Bone, *Parental Alienation Syndrome: An Age-Old Custody Problem*, 71 FLA. B.J. 93 (June 1997).

⁴ N. Theonnee and P.G. Tjaden, *The Extent, Nature and Validity of Sexual Abuse Allegations in Custody Visitation Disputes*, 12 CHILD ABUSE AND NEGLECT 151-63 (1990).

⁵ National Center on Child Abuse and Neglect, Washington, D.C.: Department of Health and Human Services, 2998, Contract 105-85-1702.

⁶ The appointment of a guardian ad litem, the appointment of an expert to conduct a psychological evaluation of the child and the parents, the employment of make-up or substitute access and contact, or an enlargement of same to the nonresidential parent, and as previously suggested by the authors in their last article, a consideration for entry of a multidirectional order. Walsh and Bone, *supra* note 3.

J. Michael Bone, Ph.D., is a sole practice psychotherapist and certified family law mediator in Maitland. He concentrates 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.

Michael R. Walsh is a sole practitioner in Orlando. He is a board certified marital and family law 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.

This column is submitted on behalf of the Family Law Section, Jane L. Estreicher, chair, and Sharon O. Taylor, editor.