

Consultation and Treatment in High Conflict and Parental Alienation Cases

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INTRODUCTION

Demosthenes Lorandos, Ph.D., J.D.

- Overview Current Topics in Parental Alienation
- Abuse Allegations in Custody Disputes
- Differential Diagnosis and Parental Alienation
- Communicating Alienation to the Court

CONCEPTUALIZING THE PROJECT

- How the project began
- How were Editors chosen?
- The process of choosing authors
- How were topics selected?
- The working process: how it came together
- The need for the supplements

Parental Alienation: The Handbook for Mental Health and Legal Professionals	
Table of Contents	
Preface w/ acknowledgements	
Brief Contributor Biographies	
Section One: Strategies for Mental Health and Legal Professionals	
Chapter 1: Overview of Parental Alienation Demosthenes Lorandos, William Bernet, Richard Sauber	Section Two: Foundations of Parental Alienation: Historical, Scientific and Legal
Chapter 2: The Psychological Assessment of Contact Refusal William Sauber, Stanley W. Freeman	Chapter 10: The History of Parental Alienation from Early Days to Modern Times Dorothy Conroy Stahl
Chapter 3: Mild Cases of Parental Alienation Douglas Daniels	Chapter 11: Research that Supports the Validity and Reliability of Parental Alienation Gary Schar
Chapter 4: Moderate Cases of Parental Alienation Alchian Wernikow	Chapter 12: Parental Alienation and North American Law Demosthenes Lorandos
Chapter 5: Severe Cases of Parental Alienation Richard Warshak	Chapter 13: Parental Alienation Initiatives Around the World Christina Diaz
Chapter 6: Sexual Abuse Allegations in the Context of Custody and Visitation Disputes Terence W. Campbell	Chapter 14: Parental Alienation and the New Brazilian Law Tamara Brookhouser
Chapter 7: Remediation Planning and Therapy Richard Sauber	Chapter 15: Parental Alienation, DSM-5, and ICD-11 William Sauber
Chapter 8: Legal Interventions in Cases of Parental Alienation Demosthenes Lorandos	Chapter 16: A Judge's Perspective On Parental Alienation Richard Lottman
Chapter 9: Promoting the Integrity of the Family Law System: Multidisciplinary Processes and Family Law Reform E. Christopher Durkin	Section Three: References and Indices
	Index Index
	Subject Index

Overview of Parental Alienation

Demosthenes Lorandos,
William Bernet, Richard Sauber

Demosthenes Lorandos, Ph.D., J.D. is a first generation American of Greek and Australian descent. After graduating from San Francisco State he studied science at the New School for Social Research. He has been a clinical and forensic psychologist for four decades. He trained in law with the Jesuits at the University of Detroit and has been a litigator for two decades. He is a senior partner at *Lorandos Joshi*, a litigation firm with offices in New York, Washington, D.C. and Ann Arbor. He has been involved in parental alienation cases all over the United States for more than thirty years.

Overview of Parental Alienation

Demosthenes Lorandos,
William Bernet, Richard Sauber

William Bernet, M.D., a graduate of Harvard Medical School, is professor emeritus at Vanderbilt University. He is board certified in general psychiatry, child psychiatry, and forensic psychiatry. Dr. Bernet has testified as an expert in 18 states. He has published articles and chapters regarding: group and individual therapy with children and adolescents; humor in psychotherapy; forensic child psychiatry; child maltreatment; true and false allegations of abuse; satanic ritual abuse; child custody; parental alienation; and testimony regarding behavioral genomics. Dr. Bernet and Judge Don Ash published *Children of Divorce* (2007). He edited *Parental Alienation, DSM-5, and ICD-11* (2010).

Overview of Parental Alienation

*Demosthenes Lorandos,
William Bernet, Richard Sauber*

S. Richard Sauber, Ph.D., is a Board-Certified Diplomate in Clinical and Family Psychology, ABPP. He has a national family forensic practice from his local office in Boca Raton, Florida. He has conducted forensic evaluations in 16 counties within the State of Florida, 14 other U.S. states and several provinces in Canada where he also holds a license. Formerly, he was Professor of Psychology in the Departments of Psychiatry in the Medical Schools of Brown, Columbia and the University of Pennsylvania. He has authored or edited 16 professional books and serves as The American Journal of Family Therapy editor since 1976.

Overview of Parental Alienation

*Demosthenes Lorandos,
William Bernet, Richard Sauber*

Parental alienation (PA) is a serious mental condition that affects hundreds of thousands of children and families in the United States and comparable numbers in other countries. Mental health professionals (MHPs), family law attorneys, and everyday citizens observe PA on a regular basis, even if they do not know that the phenomenon has a name, where it comes from, or what to do about it. PA is not new. PA has been observed for many decades and has been described and discussed in the scientific literature of MHPs, in legal literature and precedents, and in popular literature – although the condition has been called a variety of names other than “parental alienation.”

The Psychosocial Assessment of Contact Refusal

William Bernet, Bradley W. Freeman

William Bernet, M.D., a graduate of Harvard Medical School, is professor emeritus at Vanderbilt University. He is board certified in general psychiatry, child psychiatry, and forensic psychiatry. Dr. Bernet has testified as an expert in 18 states. He has published articles and chapters regarding: group and individual therapy with children and adolescents; humor in psychotherapy; forensic child psychiatry; child maltreatment; true and false allegations of abuse; satanic ritual abuse; child custody; parental alienation; and testimony regarding behavioral genomics. Dr. Bernet and Judge Don Ash published *Children of Divorce* (2007). He edited *Parental Alienation, DSM-5, and ICD-11* (2010).

The Psychosocial Assessment of Contact Refusal

William Bernet, Bradley W. Freeman

Bradley W. Freeman, MD is a board certified general, child & adolescent, and forensic psychiatrist. Clinically, he works closely with the eating disorders population but also practices child and adolescent inpatient psychiatry, which covers a broad range of acute psychiatric conditions. In his forensic work, Dr. Freeman performs a variety of criminal and civil assessments such as parenting time evaluations, parental fitness assessments, competency to stand trial, sexual abuse evaluations, and malpractice. He also works with a team of mental health professionals who give guidance and perform evaluations for children and adolescents who are in the custody of the state.

The Psychosocial Assessment of Contact Refusal

William Bernet, Bradley W. Freeman

In this chapter, we explain how a mental health professional (MHP) should assess a child whose primary symptom is contact refusal. In the first part of this chapter, we define and discuss possible explanations for a child's avoidance of one parent, which we refer to as the differential diagnosis of contact refusal. The phrase “differential diagnosis” is a medical term that refers to the process of examining the various potential causes of a behavior or symptom. In the second part of this chapter, we explain the typical procedure for conducting an assessment of the child and his or her family.

Mild Cases of Parental Alienation

Douglas Darnall

Doug Darnall, PhD is an Ohio psychologist since 1979. He worked as a court psychologist for Trumbull County Family Court for 21 years and currently CEO at PsyCare. He has published “Divorce Casualties: Protecting your Children from Parental Alienation” and “Divorce Casualties: Understanding Parental Alienation. He appeared in court on over one hundred cases in Twelve (12) states involving custody, parental alienation, and other forensic matters. He has appeared on the Montel Show and Court TV. He has given presentations for the Missouri State Bar, North Dakota State Bar Associations, AFCC, Children's Rights Council, and Local and State Bar Associations.

Mild Cases of Parental Alienation

Douglas Darnall

This chapter is about mild parental alienation, (mild PA), which refers to situations in which the child objects to and criticizes the target parent but yet enjoys the presence of the target parent once time passes or the location is no longer in close proximity to the alienating parent... Usually, parents in the throes of a divorce may sense early on that something is beginning to go very wrong with their child. They may not be able to identify the problem, but sense the change in their child's attitude. That is because the inception of alienation may be very subtle.

Moderate Cases of Parental Alienation

Abraham Worenklein

Abe Worenklein, M.Sc., Ph.D. is a clinical/forensic psychologist and family mediator in private practice in Montreal and professor at Dawson College and lecturer at Concordia University. Dr. Worenklein has been declared an expert witness in Superior Court and Youth Court several hundred times primarily in Canada and has been cited in many Canadian judgments on parental alienation. He has presented on this topic at many professional conferences in Canada and United States. Dr. Worenklein is on the committee to have Parental Alienation accepted into DSM-V and ICD-11 and on the International Editorial Board of the American Journal of Family Therapy.

Moderate Cases of Parental Alienation

Abraham Worenklein

Children who fall into this category will ultimately go with the target parent after expressing and demonstrating significant reluctance to do so. Moderately or severely alienated children will express consistent negative feelings regarding the target parent whether or not in the alienating parent's company, in the examiner's office, in their school setting or on the playground with their friends, or in any other environment when the topic of parenting arises. However, unlike in severe cases, the children may come to enjoy themselves during the time that they spend together with the target parent, although not admitting this when the alienating parent is present.

Severe Cases of Parental Alienation

Richard Warshak

Richard A. Warshak, Ph.D. is a clinical, research, and consulting psychologist and Clinical Professor at the UT Southwestern Medical Center. Dr. Warshak's groundbreaking research has made him one of the world's most respected authorities on divorce, custody, and the psychology of alienated children. His work appears in 13 books, 65 articles, and more than 100 presentations in North America, Europe, and the Middle East. His book, *Divorce Poison*, is the classic guide to parental alienation. Dr. Warshak was a White House consultant on child custody. He appears in a PBS documentary and in *Welcome Back Pluto: Understanding, Preventing, and Overcoming Parental Alienation*.

Severe Cases of Parental Alienation

Richard Warshak

Children who irrationally reject a parent, and do so to a severe degree, present some of the toughest challenges in family law cases. Severe cases of a child's alienation from a parent are distinguished from mild and moderate cases by the extent of the child's rejection of a parent and the degree of negativity in the attitudes and behavior toward the rejected parent. Severely alienated children express extremely polarized views of their parents; they have little if anything positive to say about the target parent and often rewrite the history of their relationship to obscure positive elements.

Sexual Abuse Allegations in the Context of Custody and Visitation Disputes

Terence W. Campbell

Terence W. Campbell, Ph.D. is board certified in forensic psychology by the American Board of Professional Psychology. He was one of the first, Michigan psychologists to regularly undertake child custody evaluations. The Michigan Supreme Court recognized Dr. Campbell's work in its *Fletcher* decision, finding that attempts at inferring parental fitness from impressions of moral fitness are contraindicated by peer-reviewed data. Dr. Campbell's published exchanges with Dr. Richard Gardner prompted a more sophisticated, empirically driven conceptualization of parental alienation. Dr. Campbell is the author, or co-author, of seven different books. His peer-reviewed articles have appeared in many scientific and professional journals.

Sexual Abuse Allegations in the Context of Custody and Visitation Disputes

Terence W. Campbell

Accurately identifying confirmed allegations, fabricated allegations, or false allegations necessitates tracing the background and history of the allegations... Assessing CSA allegations involves asking: How did these allegations originate, how did they gather momentum, and how did the allegations eventually develop to where they are currently?

Reunification Planning and Therapy

Richard Sauber

S. Richard Sauber, Ph.D., is a Board-Certified Diplomate in Clinical and Family Psychology, ABPP. He has a national family forensic practice from his local office in Boca Raton, Florida. He has conducted forensic evaluations in 16 counties within the State of Florida, 14 other U.S. states and several provinces in Canada where he also holds a license. Formerly, he was Professor of Psychology in the Departments of Psychiatry in the Medical Schools of Brown, Columbia and the University of Pennsylvania. He has authored or edited 16 professional books and serves as The American Journal of Family Therapy editor since 1976.

Reunification Planning and Therapy

Richard Sauber

Integrating or reunifying a family in which alienation has taken place can be seen as having multiple levels of experience and meaning...One level could be a father and a child who have previously spent quality time together but who now rejoin in the absence of any emotional feeling, expression, attachment or bond. The second level of achieved reunification would be that of sharing an activity and spending time with the family members who were disengaged or disjointed. The third level is based upon evidence a genuine and natural expression of a desire...to once again rejoice in the love and intimacy they previously shared prior to the...family disruption.

Legal Interventions in Cases of Parental Alienation

Demosthenes Lorandos

Demosthenes Lorandos, Ph.D., J.D. is a first generation American of Greek and Australian descent. After graduating from San Francisco State he studied science at the New School for Social Research. He has been a clinical and forensic psychologist for four decades. He trained in law with the Jesuits at the University of Detroit and has been a litigator for two decades. He is a senior partner at *Lorandos Joshi*, a litigation firm with offices in New York, Washington, D.C. and Ann Arbor. He has been involved in parental alienation cases all over the United States for more than thirty years.

Legal Interventions in Cases of Parental Alienation

Demosthenes Lorandos

This chapter will use a vignette throughout to illustrate the planning, preparation and presentation of a case based upon parental alienation syndrome behaviors. The vignette will encompass a criminal, custody and licensure case. Where significant marital assets and/or clients with professional backgrounds are involved, counsel must anticipate a "three ringed circus."

Protecting the Integrity of the Family Law System: Multidisciplinary Processes and Family Law Reform

R. Christopher Barden

R. Christopher Barden is a psychologist/lawyer/scientist trained at Harvard, Stanford, U.C. Berkeley, and the University of Minnesota. He is a nationally recognized litigator, licensed clinical psychologist, and national award winning research scientist in psychology. He serves as an expert witness, attorney, and/or litigation consultant in family, civil, and criminal cases. He has won many dozens of parental alienation cases in over 30 states. Dr. Barden has published in the leading science and professional journals and texts in child psychology, social psychology, clinical psychology, psychiatry, surgery, pediatrics, and law.

Protecting the Integrity of the Family Law System: Multidisciplinary Processes and Family Law Reform

R. Christopher Barden

Efforts to reform the family law system should be based in fact rather than prejudice, science rather than hysteria, and reason rather than political ideology. The national tragedy of PA appears at least partly and perhaps mostly due to systemic defects in family law that generate unnecessarily high levels of contention and uncertainty, thus energizing the proclivity of alienators to seek greater personal control over custody decisions. Informed use of effective science-intensive litigation practices will produce a less contentious, more predictable, increasingly reasonable, and more efficient family law system. A science-reformed family law system would greatly reduce PA processes .

The History of Parental Alienation from Early Days to Modern Times

Deirdre Conway Rand

Deirdre C. Rand, Ph.D., is a psychologist in private practice who is well known for her articles on the Spectrum of Parental Alienation Syndrome (PAS), including a follow-up study of interventions and a social psychology perspective on the views expressed by parental alienation critics. She helped to develop the Family Bridges Workshop for severely alienated children, an educationally oriented program designed to help families in which the court has determined that the rejected parent should have sole custody. Dr. Rand's articles are the basis of an online CE course on parental alienation, offered through the Zur Institute.

The History of Parental Alienation from Early Days to Modern Times

Deirdre Conway Rand

The idea that divorce creates a context in which a distraught parent may seek to turn the child against the other parent is not new. Terms such as "poisoning the child's mind" and "alienating the child's affection" have been used in historic legal cases and understood by the general public for almost 200 years. Precursors to the phenomenon Richard Gardner called parental alienation syndrome (PAS) began to appear in the psychiatric literature 40 years before Gardner introduced the term. In the 1970s, changes in the divorce laws gave rise to a dramatic increase in the divorce rate and a burgeoning of child custody litigation unparalleled in history.

Research that Supports the Validity and Reliability of Parental Alienation

Amy Baker

Amy Baker has a doctorate in developmental psychology from Teachers College of Columbia University and has 25 years experience conducting applied research on children and families. She is the author of "Adult children of parental alienation syndrome: Breaking the ties that bind (WW Norton); the author or co-author of over 70 peer reviewed academic articles; the co-editor of the forthcoming "Working with alienated children and families: A clinical guidebook (Routledge Press) and a co-author of the forthcoming "Co-parenting under fire: Protecting your child from loyalty conflicts and alienation (New Harbinger Publications).

Research that Supports the Validity and Reliability of Parental Alienation

Amy Baker

This chapter will provide an overview of the standards that courts in the United States use to ascertain the scientific merit of psychological theories such as parental alienation and to demonstrate how parental alienation meets those standards. For sake of clarity, the term parental alienation strategies is used to describe the behaviors, actions, and attitudes exhibited by a parent which are likely to create an unjustified psychological breach between the child and the other parent. Parental alienation syndrome is the term used to describe the behaviors of a child who rejects one parent without rational cause, usually in response to exposure to parental alienation strategies.

Parental Alienation and North American Law

Demosthenes Lorandos

Demosthenes Lorandos, Ph.D., J.D. is a first generation American of Greek and Australian descent. After graduating from San Francisco State he studied science at the New School for Social Research. He has been a clinical and forensic psychologist for four decades. He trained in law with the Jesuits at the University of Detroit and has been a litigator for two decades. He is a senior partner at *Lorandos Joshi*, a litigation firm with offices in New York, Washington, D.C. and Ann Arbor. He has been involved in parental alienation cases all over the United States for more than thirty years.

Parental Alienation and North American Law
Demosthenes Lorandos

The purpose for building this chapter was two fold:

First, to give the reader representative examples of parental alienation cases from the United States and Canada.

Second, to provide brief but accurate descriptions of many alienation cases across a twenty-five year period to illustrate that parental alienation deniers do not seem to know the data. Bruch, Fallor, Hoult and other non scientifically based critics maintain that PA doesn't exist but is a plan or plot by pedophiles to take defenseless children from protective women.

Parental Alienation Initiatives Around the World
Christian Dum

Christian T. Dum, Ph.D., studied psychology, computer science, and physics at the University of Vienna, the Vienna University of Technology, and the Massachusetts Institute of Technology. He was a member of the physics faculty at Cornell University and did research in space physics. He currently heads a registered non-profit organization in Germany that informs on the psychological and legal aspects of child custody (www.beideeltern.de). He has contributed to this organization since 1997, with Parental Alienation an early and continuing important topic.

Parental Alienation Initiatives Around the World
Christian Dum

PA is an expression of human behavior, it is not surprising that it occurs worldwide...There are aspects of PA that do vary from country to country. The frequency with which the problem occurs, the attention the problem gets, and the environment for dealing with it differ considerably from place to place, depending on the country's history, social traditions, and its legal system...We will compare how aspects of PA have developed around the world, with the aim of encouraging both mental health and legal professionals to consider adopting successful approaches from other countries to the cultural, social, and legal framework of their own country.

Parental Alienation and the New Brazilian Law
Tamara Brockhausen

Tamara Brockhausen graduated from the PUC University in São Paulo and earned a masters degree in clinical psychology from São Paulo University with a thesis on Parental Alienation and Psychoanalysis. She is a mediator, clinical specialist and the former mediator for the Bar of Santana, São Paulo. She is a practicing psychoanalyst, and works in forensic psychology as a technical and psychotherapeutic assistant in cases of Parental Alienation, child abuse, and custody disputes. She is also an author, researcher, and speaker on Parental Alienation, child sex abuse and differential diagnosis. She was a contributor to *Parental Alienation, DSM-5, and ICD-11*.

Parental Alienation and the New Brazilian Law
Tamara Brockhausen

In August 2010, Brazil became the first country to adopt national legislation regarding parental alienation (PA). The Brazilian law (which is called Lei No. 12.318) defines PA and provides for specific civil remedies that courts can use to address the problem. This chapter explains how Lei 12.318 came about and relates some early examples of how the law was implemented. The heading of the official government version of Lei 12.318 – in Portuguese – is in Figure 1. The complete text of Lei 12.318 – in English – is in Text Box 2. (Lei 12.318 may be accessed at http://www.planalto.gov.br/ccivil_03/_Ato2007-2010/2010/Lei/L12318.htm.)

Parental Alienation, DSM-5, and ICD-11
William Bernet

William Bernet, M.D., a graduate of Harvard Medical School, is professor emeritus at Vanderbilt University. He is board certified in general psychiatry, child psychiatry, and forensic psychiatry. Dr. Bernet has testified as an expert in 18 states. He has published articles and chapters regarding: group and individual therapy with children and adolescents; humor in psychotherapy; forensic child psychiatry; child maltreatment; true and false allegations of abuse; satanic ritual abuse; child custody; parental alienation; and testimony regarding behavioral genomics. Dr. Bernet and Judge Don Ash published *Children of Divorce* (2007). He edited *Parental Alienation, DSM-5, and ICD-11* (2010).

Parental Alienation, DSM-5, and ICD-11

William Bernet

Some clinicians say it does not matter whether parental alienation is a formal diagnosis in the *DSM* or the *ICD*... They say that in conducting evaluations and developing treatment plans, they use an Axis I diagnoses [or]...shared psychotic disorder. Experienced forensic evaluators say there is no need for PA to be a diagnosis when they testify in a legal proceeding. As an expert witness, they can simply describe what they observed in the family, with no need to label the end result with a formal diagnosis. On the other hand, many writers say it matters a great deal, that the concept of PA and the actual words, "parental alienation," should certainly be included one way or another in both DSM-5 and ICD-11.

A Judge's Perspective On Parental Alienation

Michele Lowrance

Michele Lowrance has been a domestic relations judge in Cook County since 1995. She is the author of *The Good Karma Divorce* and co-author of *Parental Alienation 911 Workbook*. She's a regular contributor to the Huffington Post and serves on the Cook County Advisory Board for Marriage and Family Counseling Service. She has been a guest on Good Morning America, the CBS Morning Show, ABC, CNN, and co-hosts Family Matters Radio with Jill Egizii. She has been a presenter on parental alienation for Illinois Judicial Education; the Cook County Child Representatives Program; and the Association of Family and Conciliation Courts.

A Judge's Perspective On Parental Alienation

Michele Lowrance

In more than seventeen years on the bench, the most disturbing thing I have witnessed is the corrosive legacy of parental alienation and visitation interference play out over decades. We have no statistics for measuring this group because the victims are too vast. The concentric circles include the children, their children, and the extended family as well. The declaration of war by one parent on another creates radioactive fallout, which contaminates for generations.

Sexual Abuse Allegations in the Context of Custody and Visitation Disputes

Terence Campbell, Ph.D., A.B.P.P.

Sexual Abuse Allegations in the Context of Custody and Visitation Disputes

- Defining Terms

"Though intentionality is the defining distinction between false and fabricated allegations, intentionality is not a simple dichotomy identified in black and white terms in these cases." p 293

- The SAID Syndrome

"SAID Syndrome" - Sexual Allegations in Divorce, "She said, He said" exchanges.

Direct evaluators to carefully assess the background and history of a divorce before any allegations of sexual abuse developed.

Sexual Abuse Allegations in the Context of Custody and Visitation Disputes

- The Context of the Accusation

- ✓ Mother's Suspicions and Grandparents' Anxieties
- ✓ Persuading the Therapist
- ✓ Applying Sequence, Escalation, and Timing Factors
- ✓ A Wise Detective
- ✓ False Allegations in the Service of Alienation?

Sexual Abuse Allegations in the Context of Custody and Visitation Disputes

- Important Factors to Consider
 - ✓ Anxious people interpret ambiguous circumstances in a “worst case scenario” manner
 - ✓ Interpret homophones (mourning/morning), which can be neutral or sad, in a sad manner
 - ✓ Inconsistent descriptions of the alleged abuse
 - ✓ Motivation of the accuser for change
 - ✓ Alliances between family members

Sexual Abuse Allegations in the Context of Custody and Visitation Disputes

- Assessing Child Abuse Allegations
 1. How did these allegations originate?
 2. Did the allegations develop after a sequence of acrimonious exchanges between the parents?
 3. Did the CSA allegations escalate in response to the other parent’s denials or counter allegations?
 4. Were the allegations timed to provide the alleging parent with some kind of strategic advantage?

Sexual Abuse Allegations in the Context of Custody and Visitation Disputes

- Assessing Child Abuse Allegations
 5. Did the alleging parent involve various third parties – such as CPS personnel, law-enforcement professionals, and/or mental health professionals – as allies supporting the allegations?
 6. Did the CSA allegations gain momentum via the effects of rumor formation and rumor dissemination?
 7. Did the CSA allegations escalate in response to the other parent’s denials or counter allegations?

Sexual Abuse Allegations in the Context of Custody and Visitation Disputes

- Assessing Child Abuse Allegations
 7. Does the MMPI-2 of the alleging parent correspond to the L + K – F profile?

Sexual Abuse Allegations in the Context of Custody and Visitation Disputes

- Assessing Child Abuse Allegations
 8. Does the MMPI-2 profile of the alleging parent correspond to the (L + Pa + Sc) - (Hy + Pt) profile?

Sexual Abuse Allegations in the Context of Custody and Visitation Disputes

- Alienation Myths

Myth 1: Diligent Interviewers, Who Go About Their Work Carefully, Can Accurately Recall Important Details from Their Interviews with Children, Even When Those Interviews Have Not Been Recorded.

Myth 2: Well-Trained Interviewers Can Record Verbatim Notes of Their Interviews That Make Electronic Recordings Unnecessary.

Sexual Abuse Allegations in the Context of Custody and Visitation Disputes

- Alienation Myths

Myth 3: Sexually Abused Children Exhibit Behaviors and Symptoms That Allow Experts to Identify Them as Abused.

Myth 4: Body Diagrams Effectively Assist Children in Identifying and Describing Where and How They Have Been Touched on Their Bodies.

Myth 5: For Sexually Abused Children, Disclosure is a Process, Not a One-Time Event.

Sexual Abuse Allegations in the Context of Custody and Visitation Disputes

- Alienation Myths

Myth 6: Subsequent to Disclosing Their Abuse, Sexually Abused Children Often Recant Their Allegations.

Myth 7: Interviewers Undergo Effective Training and Continue to Maintain Their Skills After Completing Their Training.

Myth 8: Well-Trained Interviewers Put Forth Persistent Efforts to Confirm the Allegations of Sexual Abuse Presented to Them.

Sexual Abuse Allegations in the Context of Custody and Visitation Disputes

- Alienation Myths

Myth 9: Sexually Abused Children More Readily Disclose Their Abuse to Interviewers Whose Gender Matches Their Own.

Myth 10: Play Therapy is Effective with Children Exhibiting a Broad Spectrum of Clinical Conditions.

Differential Diagnosis & Parental Alienation

Sarah Vasquez, M.P.H.

Differential Diagnosis in Parental Alienation (PA)

A four-part process (some of which is explained in detail in Ch 2 by Bernet & Freeman):

1) What behaviors is the child manifesting? What has brought the family in for evaluation?

- | | |
|---|--|
| 1. Campaign of denigration (required) | 5. Reflexive support of the alienating parent |
| 2. Frivolous rationalizations of denigration (required) | 6. Absence of guilt re mistreating target parent |
| 3. Lack of ambivalence | 7. Borrowed scenarios |
| 4. Independent Thinker phenomenon | 8. Spread of animosity to extended family |

Differential Diagnosis in PA

Four part process continued:

- 2) Is there an unjustifiably targeted parent?
- Has the disfavored parent done something to deserve denigration? Abuse or neglect rules out PA.

Differential Diagnosis in PA

Four part process continued:

3) Develop a differential diagnosis for the chief complaint. Rule out at least the following:

- Separation anxiety
- oppositional defiant disorder
- environmental factors
- loyalty conflicts
- adjustment disorder

(from Ch. 2, by Bernet & Freeman)

Differential Diagnosis in PA

Four part process continued:

4) Collect additional detailed information to identify the specific cause of the child's contact refusal (see Ch 1)

- Badmouthing
- Informing children about court or visitation
- Withdrawal of love when child shows any care for the other parent
- Obstruction of visitation
- Asking children to keep secrets
- Removing all symbolic mention of target parent from home

Differential Diagnosis in PA

Categorize the severity of the phenomenon:

Chapter 3: Douglas Darnall

Mild PA Symptoms of Child

Darnall also mentions mild manifestations of alienation by the alienating parent. Although we diagnose based upon the child, alienators appear to have levels as well.

Mild alienators are usually naïve as opposed to malicious, and will respond to education.

Differential Diagnosis in PA

Chapter 4: Abe Worenklein

Moderate PA Symptoms of Child

- Usually, these children manifest all eight symptoms mentioned by Gardner, but not to the severe level.
- Visitation is possible

Differential Diagnosis in PA

Chapter 5: Richard Warshak

Severe PA Symptoms of Child

- All eight symptoms are manifested
- Visitation is usually impossible
- Destruction of property, violence, theft, and uncontrollable behavior often manifest

Differential Diagnosis in PA

What is excluded from ruling in PA?

refer to Ch 2

- A) Parent demonstrates alienating behaviors, but child is not alienated
- B) Parent did not alienate, but child is alienated (separation anxiety, oppositional defiant, environmental factors, loyalty conflict and adjustment disorder)
- C) Child is justifiably estranged (due to abuse, etc)

Differential Diagnosis in PA

Issues in Differential Diagnosis

- Often, diagnosis is made on the basis of the parent's actions
 - This is incorrect – diagnosis needs to be made on the basis of the child's behaviors
 - Political issues with the inclusion into the DSM
 - Special interest groups
 - Misunderstandings of Gardner

Communicating Alienation to the Court

Beverly M. Griffor, M.B.A., J.D.

Communicating Alienation to the Court

How does a lawyer encounter alienation?

- Client comes into the office and lodges a complaint, typically with a long list of wrongs already done.
- The Client is often confused, frustrated, and can feel completely lost or defeated in the legal realm.
- There is often an overwhelming sense of sadness and anger about the perceived loss of relationship.

Communicating Alienation to the Court

When does a lawyer encounter alienation?

- Custody disputes
- Child Protective Services investigation
- Friend of the Court Review
- Criminal charges

Communicating Alienation to the Court

What should the lawyer of a target parent do about ongoing alienation?

- Document the behavior of the child
- Thoroughly research and document any potential alienating influences
- Consider involving an expert to evaluate alienation and begin intervention, if possible
- Initiate appropriate Court action

Communicating Alienation to the Court

Documentation is key in cases of alienation. Using tangible exhibit-ready sources, document:

- The intact relationship of the child and target parent, prior to onset of alienation
- Changing attitudes/behaviors of the child
- The occurrence of alienating influences from any source, i.e. school, friends, parents, grandparents
- The target parent's appropriate efforts to be involved with the alienated child & cooperation with the Court

Communicating Alienation to the Court

How can an "Expert" become involved?

- Custody evaluator (often appointed)
- Request independent evaluations
- Therapist of a party, or the family
- Reunification Therapy
- Expert testimony in deposition or trial

Communicating Alienation to the Court

Selecting an Expert is critical, as a poor choice of expert can lead to an unsuccessful intervention, which will do more harm to the relationship than no intervention at all.

- Experience in high-conflict cases
- Experience with alienation
- Perspective and approach to alienation, i.e. macro, micro, areas of specialty or alienation severity
- Local expert vs. Out of town expert

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Use your expert report wisely.

- Prior to evaluation, supply as much documentation and history to the evaluator as needed and/or requested to assist in the evaluative process
- When an evaluation is completed, highlight the points which support the target parent
- Research and attempt to explain contrary findings
- Be sure to fact check the material relied upon, as the an alienating influence will often speak only threads of truth, or will provide false information

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Use your expert wisely during testimony.

- Prepare your expert to be over-qualified, often expert testimony is about competing credibility
- Ask about the science available about alienation, and explicate as much as possible for the record
- Have the expert address all the symptoms and/or problem behaviors of the child for the record
- Have the expert explain the likely causes of these symptoms, if possible
- What behaviors are maintaining the problems?
- What do they recommend to remedy the problems?

Communicating Alienation to the Court

Use the materials at hand to speak to the Court

- Remember, the attorney's argument is not evidence, so the points argued MUST come from the record.
- Show the Court a collection of precedent in the local jurisdiction. Use a chart for a visual. This should be effective even in the few jurisdictions which don't currently recognize alienation as a separate identifier.
- Focus on not only the harm to the target parent, but really address the harm happening to the child as well.
- Ask for a specific result of intervention, and support your request with the available evidence.

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Potential Remedies, depending on severity of alienation:

- Parent Education
- Strict enforcement of parenting orders
- Change of parenting time
- Reunification Therapy
- Alienation oriented program, i.e. Family Bridges
- Change of Custody
- Sanctions against alienating influence(s)