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Countering Arguments Against Parental Alienation as A Form of Family Violence and Child Abuse

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ABSTRACT

Despite scientific recognition of parental alienation as a form of child maltreatment and family violence, numerous critiques been advanced challenging the concept. A recent UN report concluded that parental alienation is a "pseudo-concept" lacking empirical validity, posing significant dangers to women and children at risk of family violence and abuse. In this article, we present and refute the most common arguments that have been advanced against the proposition that parental alienation and alienating behaviors are a form of family violence and child abuse. We examine each in relation to empirical evidence published in over one hundred peer-reviewed research studies.

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Introduction

Parental alienation (PA) is defined as a mental condition in which a child, usually one whose parents are engaged in a high-conflict separation or divorce, allies strongly with one parent (the preferred parent) and rejects a relationship with the other parent (the alienated parent) without legitimate justification (Bernet, 2020). This unjustified rejection, in which children's views of the targeted parent are almost exclusively negative, to the point that the parent is demonized and seen as evil, results from a coercively controlling family dynamic in which a parental figure, engaging in largely unreciprocated, abusive behaviors, uses a child as a weapon or tool to control or hurt the other parent (Harman & Kruk, 2022; Sharples et al., 2023).

Parental alienation does not refer to those cases where a child has been victimized by other forms of child abuse (such as physical abuse), or witnessed the abuse of a parent, and is fearful of the targeted parent as a result. Scholars have identified five main factors that aid in the

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identification of PA: (1) the child refuses contact, and expresses hatred or indifference toward the targeted/rejected parent; (2) there was a prior positive relationship between the child and the now-rejected parent; (3) there is an absence of abuse or neglect, or grossly deficient parenting by the targeted parent; (4) there are multiple parental alienating behaviors (PABs) by the alienating parent; and (5) there are eight behavioral manifestations of PA in the child: denigration of the targeted parent by the child; frivolous, weak or untrue rationalizations for the child's rejection; lack of ambivalence toward the child's parents; absence of guilt for the rejection and maltreatment of the targeted parent by the child; presence of borrowed scenarios from the alienating parent; reflexive support for the favored parent; an independent thinker phenomenon where the child expresses that their negative attitude and behaviors toward the targeted parent have not been influence by the favored parent; and rejection of the targeted parent's extended family and social network (Baker, 2020; Bernet & Greenhill, 2022). While there are several rhetorical critiques of the Five-Factor Model (such as Garber & Simon, 2023), empirical tests of the model for identification of PA have found it to be reliable and valid in several peer-reviewed studies (Baker, 2020; Morrison & Ring, 2023), and qualitative research with family court judges indicates a reliance on factors reflected in the Five-Factor Model in their decision-making (Marques et al., 2022).

The strategies that alienating parents employ in the alienation process align with what are known to be coercively controlling abusive behaviors (Harman & Matthewson, 2020), such as those depicted on the Duluth Model's power and control wheel. Parental alienating behaviors, studied and documented in over fifty studies published prior to 2020 (Harman et al, 2022), fall under emotional abuse (e.g., spurning, corrupting, exploiting, and denying emotional responsiveness of their children), threats and intimidation (e.g., terrorizing, stalking, legal and administrative aggression), isolation, economic abuse, and other forms of coercion such as using privilege (Harman & Matthewson, 2020). The impact of these behaviors on the family dynamic can result in increased psychological distance between the child and the targeted parent, over-empowerment of the child to reject their disfavored parent, increasing the targeted parent's negative feelings regarding their child's rejection of them, and creating conflict between the targeted parent and child (Baker, 2005; Harman & Matthewson, 2020; Kelly & Johnston, 2001). Parents who try to alienate their child from his or her other parent convey a three-part message to the child: "I am the only parent who loves you and you need me to feel good about yourself; the other parent is dangerous, unavailable, has never loved you, and has abandoned you; and pursuing a relationship with that parent jeopardizes your relationship with me" (Baker, 2005).

A consensus has been reached among PA scholars and custody evaluators on the definition and distinguishing features of PA (Bernet et al, 2021), yet PA remains controversial in the realm of family law, policy-making, and professional practice, and the opposition to acknowledging PA and alienating behaviors as a form of family violence remains strong. Misleading statements, misinformation, errors, use of science denial techniques, and misrepresentations of the current state of peer-reviewed published research and case law support regarding intimate partner violence and PA have been made by vocal critics (Bernet & Xu, 2023; Varavei & Harman, 2024). For example, the claim that abusive fathers, seeking to escape prosecution, bring forward false allegations of PA victimization to deflect attention away from their own perpetration of intimate partner violence is used to discredit the concept of PA, and induce a moral panic seized upon by popular media accounts based on misunderstandings about the concept (Harman et al, 2023; Varavei & Harman, 2024).

Fourteen Arguments Refuting Parental Alienation Theory

Numerous arguments against the concept of PA have been made but each are easily refuted by the wealth of scientific evidence that has emerged, particularly in the past two decades, from empirical studies on family violence, intimate partner violence, and PA (Harman, Warshak, et al., 2022). In this article, we present and refute the fourteen most common arguments that have been advanced against the scientific construct of PA, and against the proposition that PA and PABs are a form of child abuse and intimate partner violence. These spurious and erroneous arguments are prevalent in current judicial, legal and clinical practice, as well as the popular media. The following claims have been made by critics who oppose and deny PA as a scientific construct. For each argument we provide scientific evidence that refutes the claim.

1. **Due to the lack of credible peer-reviewed research, PA is a pseudo-concept lacking in empirical validity, and as a result PA theory may be dismissed as pseudoscience.**
   It is no longer tenable to dismiss the field of PA as lacking in scientific status.
   With over a thousand articles and books in existence about PA (Vanderbilt University Medical Center, 2017), several research reviews published within the last decade indicate that PA is growing scientific field (e.g., Harman, Warshak, et al., 2022; Marques et al., 2020; Miralles, et al., 2023; Saini et al., 2016). In the largest scoping review on this topic that utilized four databases to identify peer-reviewed, empirical research, Harman and colleagues (2022) identified over two

hundred research studies published in 10 languages over the past two decades using a wide variety of methods and samples. The scientific foundation for the field of PA is thus strong and robust. They conclude,

> "the current state of parental alienation scholarship meets the three criteria of a maturing field of scientific inquiry: an expanding literature, a shift toward quantitative studies, and a growing body of research that tests theory-generated hypotheses. Nearly 40% of the research on parental alienation has been published since 2016, establishing that the field has moved beyond an early stage of scientific development and has produced a scientifically trustworthy knowledge base."

Further, there is a growing scientific consensus that PA behaviors are a serious form of both intimate partner violence and child abuse, often not recognized, and far more common than many assume it to be. The abusive strategies of alienating parents have been well-documented, as have the effects of PA on children and parents, which constitute a significant form of harm (Bates & Hine, 2023; Harman et al, 2018; Hine & Bates, 2023; Kruk, 2018; Rowlands et al., 2023). In summary, the scientific status of PA has been confirmed through a large body of peer-reviewed research (Harman, Warshak et al., 2022), and to state that there is no scientific evidence of PA is at best an outdated opinion, and at worst an attempt to deliberately falsify, mislead and misinform. Referring to PA as a "pseudo-concept" in a pejorative manner is also clear evidence of an anti-scientific orientation.

2. **Clinical bodies such as the American Psychological Association have not recognized parental alienation as a legitimate scientific construct, and it is not included as a syndrome in the DSM-5-TR. Parental alienation theory has been widely discredited and not accepted as a diagnosis by any classification system nor by any creditable professional organization, and has been rejected by mainstream medical, psychiatric, and psychological associations.**
   We refute this claim first with the acknowledgment that the term, "parental alienation," is not as widely used as it could be, and other terms such as "involuntary child absence" "parental estrangement" are sometimes used in place of PA by researchers, practitioners, and professional associations. The American Psychological Association uses the term, "parental alienation" to describe a cluster of symptoms with five distinguishing clinical features identified by Baker (2020).
   The term, "parental alienation syndrome," coined by psychiatrist Richard Gardner in 1985, is rarely if ever used by most current researchers and practitioners in the field. This evolution in terminology is in recognition of the fact that PA is not merely an individual syndrome, but a phenomenon with familial and systemic roots,

including the nature of adversarial processes that polarize conflicted separating parents by encouraging them to disparage each other as parents to gain the upper hand in a legal custody dispute. It is thus a systemic problem as much as it is an individual pathology (Kruk, 2018).

The Diagnostic and Statistical Manual, published by the American Psychiatric Association, is an important marker as to whether a psychological condition or phenomenon is scientifically valid or legitimate. There was a recent request to add the term "parental alienation" to the "parental-child relationship problem" DSM condition, which includes "negative attributions of the other's intentions, hostility toward the other, and unwarranted feelings of estrangement" (Bernet & Baker, 2013). Although the term, "parental alienation" was not added to the DSM-5-TR, members of the Steering Committee indicated this was because "the description of parent/child relational problems already encompasses the kind of interactions often designated as "parental alienation" (L. Yousif, personal communication, July 27, 2023), and "the current description is inclusive of situations in which a child's relationship with one parent may be adversely affected by pressure from the other parent." (L. Yousif, personal communication, September 12, 2023). Therefore, the lack of explicit mention of PA in the DSM is not an indication that it lacks scientific support and was therefore excluded or not recognized.

Even though PA as a "syndrome" is a highly contested notion, the reality of PA is widely accepted by child and family organizations such as the Association of Family and Conciliation Courts (AFCC), International Council on Shared Parenting, and Parental Alienation Study Group. According to the AFCC and similar bodies, a scientific consensus has been reached regarding the existence, incidence and effects of PA. The concept of PA has been accepted by many other professional organizations, including the American Academy of Child and Adolescent Psychiatry (1997), the Italian Society of Child and Adolescent Neuropsychiatry (SINPIA, 2007), the Spanish Association for Multidisciplinary Research on Parental Interference (ASEMIP, 2010), the Association of Family and Conciliation Courts (AFCC, 2006, 2019; AFCC & NCJFCJ 2022), the American Academy of Pediatrics (Committee on Psychosocial Aspects of Child and Family Health, 2016), the National Council of Juvenile and Family Court Judges (AFCC & NCJFCJ, 2022), and the American Academy of Matrimonial Lawyers (2015).

In 2022, the American Psychological Association (APA) published *Guidelines for Child Custody Evaluations in Family Law Proceedings*. In its guidelines, the APA states, "the foci of a child custody

evaluation may encompass, among other factors, threats to the child's safety and well-being, such as physical and emotional abuse, neglect, coercion, and the *presence of parental alienating behaviors*, as well as exposure to parental conflict, violence, abuse, and antagonistic interactions between extended family members" (emphasis added, APA, 2022, p. 5). Thus, it is disingenuous and inaccurate to say that PA is not supported by the APA or rejected by professional organizations.

3. **Proponents of the concept of parental alienation presume that every contact refusal toward a parent by a child is due to parental alienation, and label every contact refusal, even those resulting from family violence and child abuse, as parental alienation. Further, courts dismiss men's histories of family violence and mothers' evidence of intimate partner violence and child abuse when parental alienation is alleged by fathers. The harm that befalls children in separated families traumatized by abuse is the result of the application of parental alienation theory in child custody determination.**

   Few proponents of PA theory "presume" that a child's contact refusal is always the result of indoctrination by the favored parent (see Bernet & Xu, 2023). Proponents acknowledge there are many possible causes of a child's contact refusal, and that a careful evaluation must be conducted to determine the cause in a particular case (Warshak, 2020a). In fact, best practice in the field of PA dictates that children who allege being victimized or traumatized by an abusive parent be believed in the first instance, and only when family violence or child abuse is ruled out should the possibility of PA be investigated (Fidler & Bala, 2020). The idea that every contact refusal, even those resulting from family violence and child abuse, is labeled as PA, also reflects confusion about the Five-Factor Model of PA (Baker, 2020; Bernet & Greenhill, 2022). Central to the definition of PA is that contact refusal is not the result of previous child maltreatment. In PA cases, parents and children should have previously maintained a prior positive relationship, without any form of serious child maltreatment or neglect.

   As far as courts' dismissal of fathers' violence histories is concerned, family court outcome research has found that family courts do not dismiss either a history of family violence and abuse in custody cases, or mothers' concerns about family violence when PA is alleged by fathers (Paquin-Boudreau et al, 2022; Varavei & Harman, 2024); Harman et al. (2021, 2023) found that alienating mothers' claims of abuse against known "abusive" alienated fathers were not being discredited more often than they were for alienating fathers. Further, Bala et al. (2010), Paquin-Boudreau et al, (2022), and Harman et al. (2023)

have all argued (based on their empirical findings) that factors like custodial status are better predictors of child custody outcomes than gender. For example, Harman et al. (2023) found gender only explained child custody outcomes for one of their hypotheses, and it only explained 10% of that outcome variance; gender differences were either weak or statistically nonsignificant. Finally, less than half of appellate (Harman & Lorandos, 2021) and trial-level (Harman et al., 2023; Paquin-Boudreau et al, 2022) PA cases involved any other allegation of abuse. It is thus incorrect to equate all legal cases where PA has been determined to have occurred with cases where there have been other abuse allegations.

4. **Parental alienation advocates support a legal presumption of shared parenting and advocate for shared parenting even in family violence cases.**

   Arguments against the concept of PA are often paired with arguments against shared parenting as a presumption in family law. First, it should be acknowledged that despite strong research evidence in support of a legal presumption of shared parenting (Nielsen, 2018; Baude et al. 2016), public support for the concept (e.g., Braver et al., 2011), and a paradigm shift regarding establishing shared parenting as the foundation of family law in the United States and abroad, legislated shared parenting remains a controversial issue, and opposing positions continue to be advanced (e.g., Dale, 2021). In most legal jurisdictions today, the "best interests of the child" (BIOC) remains the sole or primary criterion upon which contested child custody determinations are based. The vagueness and indeterminacy of the BIOC standard, however, gives unfettered discretion to judges not trained in the complexities of child development and family dynamics and has come under increasing scrutiny. The Family Law Education Review Commission, which oversees law school curricula in the U.S., concluded that judges are not equipped to make decisions about the BIOC regarding custody or parenting plans (Millar 2009).

   When two "good enough" parents are in dispute over post- divorce parenting arrangements, there is no basis in law or psychology for choosing one over the other as a custodial or residential parent (Kelly & Johnston, 2005). Cases are largely decided by the way evidence is presented in court, and thus the BIOC is subject to judicial error (Firestone & Weinstein, 2004) and makes the court largely dependent on professional custody evaluators to make recommendations. Unfortunately, the scientific basis for child custody evaluation is hotly contested, and given the lack of an empirical foundation for such evaluation, child custody recommendations are argued to be ethically problematic (Tippins & Wittman, 2005).

The BIOC standard provides a fertile battleground for parents in disagreement over post-divorce parenting and catalyzes parents to battle. The uncertainty surrounding the BIOC standard leads to intensified and sustained conflict, and fuels litigation, and in some cases, violence. Hostility in the divorce process is the strongest predictor of poor outcomes for children (Semple, 2010; Millar 2009). Pruett and Jackson (1999) found that in 71% of cases, the legal process made custody litigants' feelings of anger and hostility more extreme, and 75% of parents report that the process intensifies their negative perception of the other parent. In many cases, this hostility fuels PA.

Although a legal shared parenting presumption can be a bulwark against PA (Kruk, 2013), shared parenting proponents advocate for a legal presumption of shared parenting that is rebuttable in cases of family violence (Kruk, 2020). In cases of family violence where there is a finding that a child needs protection from a parent, the safety of children requires that the abusive parent has limited, supervised, or no contact with children because of potential harm to the children and the spouse. Child safety is of paramount concern in any individual consideration of whether a shared parenting presumption should be rebuttable. Parents with a proven history of severe violence will need different resolutions. However, the majority of nonviolent parents in conflict over the care and custody of their children are best served, in the interests of prevention of family violence, by a shared parenting approach to child custody (Bauserman, 2002; Kruk, 2013; Nielsen, 2018).

Proponents of shared parenting take the matter of family violence very seriously. The International Council on Shared Parenting, for example, notes that family violence and intimate partner violence must be regarded as a criminal justice issue, and barriers to making perpetrators accountable and to protection of victims need to be recognized and removed. Family courts do not have the resources to adequately adjudicate these cases, as victims of severe violence require the full protection of the criminal justice system. In addition, child protection authorities must recognize that children witnessing family violence, including alienating behaviors, is a child protection matter (Kruk, 2020).

In addition, proponents of shared parenting recognize that although high conflict divorces do not involve family violence, a very high proportion (fully 50%) of first-time family violence occurs during and after parental separation (Fernández-Kranz & Nollenberger, 2020; Halla, 2013; Kruk, 2013) because the threat of losing one's children in a custody contest exacerbates conflict and can create violence, whereas shared parenting is associated with decreased parental

conflict levels (Fernández-Kranz & Nollenberger, 2020; Halla, 2013; Kruk, 2013).

5. **Abusive men hide behind claims of parental alienation as they continue their abuse and gain legal custody of their children. Fathers claim to be victims of parental alienation to deflect attention away from their own perpetration of violence against mothers. Parents who claim to be victims of parental alienation are more likely to be abusive parents; their allegations of parental alienation are false. as a legal strategy, fathers use these allegations in applying for sole custody or shared parenting in court in order to continue their abuse and control over their ex-wives.**

   It is considered imperative that violent and abusive parents are not granted legal custody of their children, and that child safety remains the primary consideration in the legal determination of post-separation parenting arrangements. It should also be acknowledged, given the prevalence of false denials and false allegations of abuse, that it can be difficult to determine if and by whom violence and abuse have actually occurred.

   There is a substantial body of research demonstrating that alienating parents are more likely to be abusive parents than alienated parents, and more likely to make false allegations of abuse. A recent study in the *Journal of Family Violence* (Sharples et al, 2023) found that parents who are found to have alienated their children had an 82% greater probability of having a substantiated claim of abuse against them than parents alienated from their children. They also found that alienated parents have an 86% greater chance of having a false or unsubstantiated claim of abuse against them than alienating parents (Sharples et al, 2023). Such false allegations constitute form of legal and administrative aggression (Hines et al., 2015), which is also considered to be a form of coercively controlling abuse.

   In their court file analysis of 500 trial-level cases that represent all family law cases where PA was found to have occurred over a 16 year period in Canada, Harman et al. (2023) found that only 10.9% of allegations of abuse made against alienated parents were determined by the court or an investigative party (such as police or child protective services) to be founded or substantiated, which means that almost 90% of abuse allegations were determined to be false or unsubstantiated. Of note, there were only 35 alienated parents out of this sample of 500 (7%) that had any finding of abuse against them, 25 of whom were mothers and 10 were fathers. Therefore, the assumption that abusive alienated parents are mostly fathers was found to be untrue among Canadian trial-level cases over the past 16 years.

When mothers make an allegation of abuse (substantiated or not), they are more likely to obtain sole custody of children rather than joint or loss of custody (Ogolsky et al., 2022). Indeed, the more false or unsubstantiated allegations of abuse leveraged against a parent, regardless of gender, the more likely the target if the allegation is to lose parenting time—such allegations serve as "silver bullets" in family court and encourage continued use of false allegations in custody disputes to gain a custody advantage (Harman & Lorandos, 2021). A recent study examining Canadian trial-level cases indicates that an illusory correlation between fathers' claims of PA and mothers' corresponding loss of custody has been created and disseminated by some domestic violence advocates and the media, creating a moral panic about a relationship that is non-existent in real-life family court cases (Varavei & Harman, 2024). In addition, research on separated and divorced fathers has found that men affected by PA seek shared parenting arrangements rather than sole custody of their children; and there is no evidence to substantiate the claim that there is a pattern of abusive men alleging PA to deflect attention away from their own perpetration of intimate partner violence (Kruk, 1993).

Research has also revealed a gender symmetry regarding the incidence of family violence, including intimate partner violence and PA (Dutton, 2012; Hamel et al, 2012; Rozmann & Ariel, 2018). However, custodial parents are more likely to alienate (Bala et al., 2010; Pacquin-Bodreau et al., 2022); legal sole custody determinations give power to alienators, who abuse this power to exclude nonresident parents from the lives of their children.

6. **In situations of family violence and intimate partner violence (IPV), men are overwhelmingly the perpetrators and women are the victims.**

Some scholars report an increase in mothers' experiences of family violence when shared parenting arrangements are ordered after divorce, including physical violence as well as coercive control (Meier, 2020) and feminist scholars have found that screening of family violence is often overlooked in family law disputes (Archer-Kuhn et al., 2023). There is general agreement that evidence- based family policies and clinical interventions to address the legal, emotional and psychological dimensions of family violence within a systematic approach that embraces the complete ecology of family violence are urgently needed.

Over the past quarter century, traditional ideas about interparental conflict, family violence and IPV have been scrutinized, leading many to conclude that outdated conceptualizations of IPV are a significant factor in perpetuating the problem of family violence and

IPV, and posing ongoing challenges for intervention (Dutton, 2012; Spencer et al, 2022). The current state of scientific knowledge on family violence, particularly intimate partner violence, concludes that IPV is not a gendered phenomenon, and that the gender paradigm is essentially flawed (Hamel, 2020). Although the victimization of women in family violence situations is never to be taken lightly, the assumption that women are most often the victims and men the perpetrators of intimate partner violence is false. Numerous meta-analyses (Archer, 2000; Fiebert, 2004; Hamel et al, 2012; Li et al, 2020; Rozmann & Ariel, 2018; Sparrow et al, 2020; Spencer et al., 2021, 2022) reveal more gender symmetry than is often assumed in family violence situations, as women and men are roughly equally both victims and perpetrators of intimate partner violence (Karakurt et al, 2019; Leemis et al, 2022; Li et al, 2020; McNeely et al, 2001). According to the US Centers for Disease Control, 6.5% of men and 6.3% of women have experienced IPV in the past year; in Canada, the *Survey of Safety in Public and Private Spaces* found that 12% of women and 11% of men had experienced some form of IPV in the previous 12-month period (Roebuck et al, 2023). Most intimate partner violence is reciprocal or bi-directional in nature, and women's use of IPV is not primarily defensive (Dutton, 2012; Hamel et al, 2012; Rozmann & Ariel, 2018). Women suffer greater injury from intimate partner violence, but this should not negate the injuries suffered by men in these situations (Hamel et al, 2012).

Most intimate partner violence is reciprocal abuse rather than unidirectional violence (e.g., Whitaker et al., 2007) and situational rather than reflecting a cycle of coercive controlling behavior. Of non-reciprocal abuse situations, women have been found to be perpetrators in approximately two-thirds of cases (Whitaker et al., 2007). Intimate partner violence can be a pattern of coercive, controlling behavior that sometimes includes physical violence to maintain power and control, but it is more often situational or an isolated event, and only about 5% of family violence is severe (Whitaker et al., 2007). Women's use of intimate partner violence against their intimate partners, therefore, is not primarily defensive; women in intimate relationships are twice as likely as men to use unidirectional violence yet their perpetration is met with greater approval than male-to-female violence. Female initiation of partner violence is the leading reason for a woman becoming a victim of violence herself (Stith et al., 2004).

Cases of family violence in the context of child custody disputes come in different forms, including ongoing or episodic male battering, female initiated violence, male controlling interactive violence,

separation and divorce violence, and psychotic and paranoid reactions. Mutual violence is the most common type, with male battering (the classic "cycle of violence" paradigm) constituting only one-fifth of family violence in separation and divorce cases. Not all acts of intimate partner violence in contested custody cases have motivations and expressions derived from a structurally derived male assumption of entitlement and need for control (Johnston & Campbell, 1993).

7. **Parental alienation is a gendered phenomenon, and parental alienation seems to only affect men. More to the point, the use of parental alienation allegations is highly gendered and frequently used by fathers against mothers; mothers are accused of being the alienating parents. this means that women are being falsely accused of alienating behaviors, so the use of parental alienation theory should be banned.**

   As with intimate partner violence, PA is not a gendered phenomenon; men and women are both perpetrators and victims in similar proportions. Mothers and fathers are equally likely to be perpetrators and targets of alienating behaviors using nationally representative samples in the U.S., Canada, and the U.K. (Harman et al., 2019; Hine et al., 2023), and therefore equally likely to abuse their power when granted legal sole custody or primary caregiver status. While more mothers are found in family court to be the alienating parent than fathers (~ 70% of cases) these gender differences are noted by researchers as being due to a host of reasons other than gender, such as custodial status (with mothers more likely to be primary custodial parent), gender biases in assessment, financial costs associated with litigation, and gender differences in identifying as an alienated parent (Harman et al., 2023; Harman & Lorandos, 2021; Lorandos, 2020; Paquin-Boudreau et al., 2022).

   As a form of family violence and intimate partner violence, alienating behaviors are also a form of family violence against women, and the harms to mothers alienated from their children are equivalent to those that fathers experience as targeted parents (Kruk, 2018; Lorandos, 2020; Warshak, 2015). The lack of acknowledgement that women are also victimized by PA by their male partners renders these victims invisible. Failing to acknowledge that PA represents a serious form of victimization and abuse of women as well as men is highly problematic. Victims live with anxiety, depression, and helplessness, as well as feelings of victimization by the other parent, the child, and the myriad legal, mental health, and school systems that are not responsive to their needs, and these feelings can also lead to suicidal ideation (e.g., Harman et al., 2019).

Finally, although there are parents who make false allegations of abuse (including PA), it does not follow that this type of abuse should be "banned" from use in family court. This position is particularly concerning given that only a small proportion of abuse allegations are substantiated when raised in PA legal cases (~10%; Harman et al., 2023)—one could make the same argument that child abuse or IPV allegations should be banned because they are often misused in PA cases. In fact, 30% of allegations in trial level cases in Canada were reported by court personnel as being levied immediately after a court filing or order, perhaps out of retaliation (Harman et al., 2023). Banning the ability of a parent to seek judicial relief from abuse in all its forms is not the solution.

8. **The actual frequency of parental alienation is low. Parental alienation is a problem of individual pathology, and not a systemic problem.**

   Fortunately, not all children become alienated from a parent. Although 32-36% of parents in the U.S., Canada, and the UK report being the target of alienating behaviors (Harman et al., 2019; Hine et al., 2023), only about 6-7% of their children were found to be moderately to severely alienated. This latter estimate is conservative, as it assumes there is only one child in each family that is alienated (most families had more than one child) and does not include milder cases of PA that are more prevalent (Harman et al., 2019). While the number of alienated children is lower in comparison to parents experiencing alienating behaviors, it does represent about 1.3% of the total U.S. population, which is nearly three times the number of children who have autism in that country (Kogan et al., 2018). Millions of dollars are spent on autism research and treatment each year, while PA, which affects many more children, is not acknowledged.

   Further, research suggests that PA is both a personal and political, and simultaneously an individual and systemic problem (Kruk, 2018). Half of first-time family violence, including PA, occurs in the context of adversarial divorce and child custody contests, and is entirely preventable, by means of establishing shared parental responsibility as the foundation of family law (Kruk, 2013). A judicial order of shared parenting with clear guidelines regarding residential arrangements and decision-making authority is associated with reduction of conflict and prevention of first-time violence (Halla, 2013). Shared parenting can also serve as a bulwark against PA because the child is ensured quality parenting time both of their parents (Kruk, 2013).

9. **There is little convincing evidence that parental alienation can cause serious consequences in children or targeted parents.**

There is robust evidence that parental alienating behaviors are harmful to children and targeted parents, a cause of significant harm and the result of human agency, and as such constitute a serious form of both family violence and child abuse. Parental alienating behaviors are also a form of family violence and intimate partner violence to which children are exposed, which makes such behavior a form of emotional child abuse (Harman et al., 2018). In addition, there is also evidence using a variety of research methods (not just retrospective accounts) of long-term consequences for children that persist into adulthood (Baker, 2009; Baker & Chambers, 2011; Baker & Verrocchio, 2013; Kruk, 2018; Miralles et al, 2023; Verrocchio et al., 2019; Verhaar et al., 2022). For the child, PA is based on a false belief that the alienated parent is a dangerous, uncaring, and unworthy parent.

In PA situations, children lose the capacity to give and accept love from a parent. They are manipulated to hate the targeted parent, despite children's innate desire to love and be loved by both their parents. An alienating parent's denigration results in the child's emotional rejection of the target parent, and the loss of a capable and loving parent and extended family from the life of the child (Harman, Matthewson et al., 2022). Such emotional abuse is just as debilitating, and often more so, than physical or sexual abuse of children. The severe effects of alienating behaviors on children include low self-esteem and self-hatred, depression, social isolation, poor academic performance and substance abuse and other forms of addiction and self-harm (Kruk, 2018; Baker & Ben-Ami 2011).

For affected parents, alienating behaviors are a form of complex trauma; for children they constitute child abuse writ large, based on a false belief that the alienated parent is a dangerous and unworthy parent. Failing to acknowledge the psychological abuse that alienated children and parents are subjected to in severe cases of PA leaves them vulnerable, unprotected, and at risk of severe harm (Harman et al, 2018; Kruk, 2018).

Kruk's (2018) analysis of PABs as a form of child abuse details five main categories of effects on children. First, teaching hatred of a parent is tantamount to instilling self-hatred in the child. Self-hatred is a particularly disturbing feature among alienated children, and one of the more serious and common effects of parental alienation. Children internalize hatred aimed at the alienated parent, are led to believe the alienated parent did not love or want them, and experience severe guilt related to betraying the alienated parent. Their self-hatred (and depression) is rooted in feelings of being unloved by one parent and in separation from that parent while being denied the opportunity to mourn the loss of the parent, or even to talk

about the parent (Warshak, 2015). Hatred of a parent is not an emotion that comes naturally to a child. In PA situations, such hatred is taught on a continual basis. With hatred of the parent comes self-hatred, which makes children feel worthless, flawed, unloved, unwanted, endangered, and only of value in meeting another person's needs (Baker & Chambers, 2011).

Second, numerous studies show that alienated children exhibit severe psychosocial disturbances. These include disrupted social-emotional development, lack of trust in relationships, social anxiety, and social isolation (Baker, 2005, 2010; Ben-Ami & Baker, 2012; Friedlander & Walters, 2010). Such children have poor relationships with both parents. As adults, they tend to enter partnerships earlier, are more likely to divorce or dissolve their cohabiting unions, more likely to have children outside any partnership, and more likely to become alienated from their own children (Ben-Ami & Baker, 2012).

Low self-sufficiency, lack of autonomy, and lingering dependence on the alienating parent are a third characteristic of alienated children. Garber (2011) found this manifested in three ways: adultification (the alienating parent treating the child as an adult); parentification (the child taking responsibility for the parent, in a role reversal); and infantilization (the relationship that develops renders the child incompetent and incapable of the life tasks of adulthood). Fourth, alienated children are more likely to play truant from school, frequently the result of the alienating parent keeping the child home from school for frivolous reasons, and to leave school at an early age. They are less likely to attain academic and professional qualifications in adulthood, are more likely to experience unemployment, have low incomes, and remain on social assistance. These children often seem to drift aimlessly through life. Finally, alienated children experience difficulties controlling their impulses, struggling with mental health, addiction, and self-harm. They are more likely to smoke, drink alcohol, and abuse drugs, often succumb to behavioral addictions, and tend to be promiscuous, foregoing contraception and becoming teenage parents (Otowa et al., 2014).

10. **It is harmful to remove a child from a parent as part of a parental alienation treatment plan. Such a change of residence is more traumatic to children than exposing them to parental alienating behaviors.**

The two most significant factors in the adjustment of children to the consequences of divorce are the maintenance of meaningful relationships with both of their parents within a shared parenting living arrangement and being shielded from family violence (Fabricius, 2020;

Kruk, 2013; Nielsen, 2018). Although it may seem disconcerting to remove children from one parent and place then with a rejected parent, the research evidence supports this approach in severe cases of PA. When children are removed from alienating parents in such situations, this is usually ordered as a temporary measure, when child removal is seen as necessary to counter the toxic effects of PA (Templer et al, 2017). Transfer of custody to an alienated parent and restricted contact with the alienating (abusive) parent are recommended only when all other efforts have failed and the child is determined to be in need of protection from the offending parent (Warshak, 2020b).

Children who experience or witness any form of family violence need protection, as the safety of children and targeted parents are the main priority in cases of intimate partner violence, family violence and PA (Harman et al, 2018; Kruk, 2018; Warshak, 2021). Interventions for lower risk children who are less severely alienated focus primarily on education and prevention (Niemelä et al., 2019), while moderate and severe forms of abuse require more intensive interventions (Rossen et al., 2019). We do not often question the necessity of out-of-home placement in severe abuse cases, and support services are provided to the family so that a path toward reunification is possible. The same treatment approach is applied in cases of severe PA. The argument about removal from the care of an alienating parent being harmful for children is not supported by scientific evidence; rather, the empirical research indicates that transfer of custody of children to an alienated parent. in severe cases of PA, along with a reunification plan for the family, is the most effective intervention (Templar et al., 2016)

11. **What children and adolescents say and want should be a deciding factor in contested custody cases. In the context of family violence, there is a duty to listen and respond to children's accounts of violence, with a view to validating those experiences, ensuring that decisions are better informed and that the child's safety and welfare are promoted**

    There is general agreement that the voice of the child should be considered in child custody determinations, but there is a difference between children being given a voice and being given the full power of choice in their living arrangements. Compared to adults, children and adolescents lack the mental and emotional capacity, even in healthy relationships, to understand the long-term effects of their decisions (Miralles et al, 2023). When children have been alienated, they have adopted a distorted perspective of the alienated parent and are provided distorted information by the alienating parent (Harman,

Matthewson, et al., 2022), both of which make the child's opinions about living arrangements biased and inauthentic. Paragraph 1 of Article 12 of the United Nations Convention on the Rights of the Child (UNCRC) (UN 1989) sets out the details of children's right to be heard. Scholars have since raised concerns about the child's "voice" if their voice has been compromised or negatively influenced (e.g., Robinson, 2021; UN Committee, 2009). This consideration is especially important in cases of PA, when children's safety is at risk when they indicate a desire to disconnect and discontinue a relationship with the targeted parent. In cases of PA—especially in more severe cases—children have been indoctrinated and lose their ability to think in a logical manner, and to base their feelings and opinions on their own life experiences. In such a situation, courts and other decision makers may listen and respond to children's accounts but should not necessarily believe the child's account. Rather, the child's voice can be used as evidence that PA has happened, if considered in the greater context of the evidence presented (Warshak, 2020a). The general rule is that in family court children should have a voice, but not a choice.

Empirical studies of non-alienated children's desires and preferences in regard to living arrangements after parental divorce show overwhelming support for shared parenting as a preferred living arrangement (Fabricius, 2020). These preferences are generally not recognized, however, in legal jurisdictions that utilize the "best interests of the child" criterion over a shared parenting presumption in child custody determination. Baker et al (2016) reviewed all U.S. state statutes regarding the degree to which BIOC criteria included children's preferences and PA as core factors in custody determination, finding that although many states allowed for the child's preferences to be considered, none qualified that preference when undue influence has occurred. The authors concluded that the BIOC standard lacks specificity in ways that could negatively impact children caught in their parents' conflict, particularly in light of the long-term negative consequences of PA on children.

12. **There is little or no data on the treatment of parental alienation, and no evidence of parental alienation treatment effectiveness. Forced reunification against a child's will and without taking into consideration the child's point of view and emotional well-being, can be expected to reinforce a sense of helplessness and powerlessness in an already vulnerable child. such treatment can be expected to do more harm than good, could cause lasting psychological harm, particularly when children who claim the parent with whom they are being forced to reunify is abusive.**

While there may be fewer data on the treatment of PA than other forms of family intervention, there is agreement that PA needs to be treated as a form of intimate partner and family violence, and as a form of child abuse linked to other forms of abuse, and a form of complex trauma (Kruk, 2018). Furthermore, there is abundant evidence of the effectiveness of a number of in- and outpatient programs of family treatment and reunification programs for severe PA (Friedlander & Walters, 2010; Gottlieb, 2012; Harman et al., 2021; Lowenstein, 2015; Matthewson et al, 2023; Reay, 2015; Templer et al, 2017; Warshak, 2019). These studies collectively demonstrate how treatment of PA, including specialized intervention with children and targeted parents, and parent-child reunification programs, are vital to the well-being of alienated children and parents.

In their comprehensive examination of practitioners' views on predictors of and barriers to the success of reunification therapy, Baker et al. (2020) found that how success was defined, whether joint sessions were offered, and the number of barriers to reunification were critical factors in treatment success. When clinicians conceptualize the primary treatment goal as resumption of parenting time, resumption of parenting time is more likely to occur. One of the most common court-ordered interventions is ordering children to individual counseling to cope with their parents' conflict. While this intervention is well intended, it is contraindicated in cases of PA (Warshak, 2020b). First, individual psychotherapy is not regulated and rarely monitored by the court to determine whether the therapeutic plan or goals are being reached. Children often remain in open-ended therapy indefinitely, and if they are being alienated, their alienation becomes worse because it is often reinforced by the treatment provider. Sadly, the alienating parent often has court-ordered medical decision-making over the children and will "shop" for a therapist who is sympathetic to their perspective on the family situation, and will transfer care to another provider if they become suspicious of the alienating parent's manipulation (Harman & Matthewson, 2020). It is the treatment of the entire family system, with an eye toward protecting the child from abusive behaviors of the alienating parent, that is most effective.

13. **Expert witnesses on parental alienation have a vested interest in identifying alienation in court proceedings. Custody evaluators dismiss allegations of abuse made by mothers, particularly if a father claims to have been alienated. experts need to be trained on the misuse of pa allegations in child custody disputes.**

Warshak (2020a) discusses the issue of false positive identifications of PA in contested child custody cases, which leads courts to

conclude that PA exists in cases where it really does not. He emphasizes that evaluators should thoroughly investigate reasonable alternative explanations of the children's and parents' behaviors, including distinguishing between irrationally alienated children from children whose negative or rejecting behaviors do not constitute PA. Anecdotal reports and non-peer-reviewed research (Meier, 2020) have been used to promote the argument that custody evaluators are biased and are discrediting mother's allegations of abuse and recommending custody of children to go to the abusive father alleging PA. Yet several peer-reviewed studies using national legal cases (Harman et al., 2023; Harman & Lorandos, 2021) found that child custody outcomes did not differ when a custody evaluator, expert witness, or guardian ad litem were involved in the case. Such experts are charged with providing their professional opinions on the scientific evidence for PA and its interventions, and/or serve as fact finders for the court to help the court determine what type of family conflict is at issue (not just PA). While such professionals are paid for their valuable time, this does not mean they are "vested" in the court concluding that PA occurred. Rather, their involvement is to entertain all probable explanations for a child's refusal or resistance to have a relationship with a parent so that the appropriate intervention can be applied. Alleging that the expert or professional is vested in the outcome being PA is an *ad hominem* attack on their intentions and illustrates the critic's motives to undermine the credibility of professionals who work with these families.

14. **Parental denigrating behaviors only backfire against a parent doing them. therefore, it is not possible for a parent to denigrate the other parent and turn them against them, so the parent charged with alienation is not responsible for the child's rejection of their other parent.**

    There have been over 52 peer-reviewed, empirically based studies published on PABs, thirteen of which make direct connections between PABs and manifestations of PA in children (Harman et al., 2022). The influence of a parent's denigrating behaviors, while obvious to observers, is either not apparent to the child who becomes alienated or is denied by the child (Warshak, 2021). Parental denigration may backfire in family dynamics such as loyalty conflicts (Afifi et al., 2008); however, people can become affectively polarized after aligning with a favored person adopting their opinions and distancing themselves from those considered "outgroup" members (Brown & Gaertner, 2001). Alienated children who have aligned with their favored parent ("us") display a lack of ambivalence toward their disfavored parent ("them") (Kelly & Johnston,

2001), and are prone to using confirmation biases when they feel endangered or threatened (Dibbets & Meesters, 2017). Parental denigration behaviors are intended to make the child believe their other parent never loved them, abandoned them, is unsafe, or unfit (Harman et al., 2022), so it is unlikely that denigration would backfire after the child has aligned with their favored parent against their other parent who is now perceived as an outgroup member. A key finding in PA research is that PABs as a whole, rather than just parental denigration, have profound effects on children's perception of the other parent (Harman et al., 2022), and that children ally themselves with parents who unilaterally employ parental alienating strategies (Harman et al., 2019). A scientific consensus has emerged that PA is a serious form of both intimate partner violence and child abuse, which is often not recognized, and is far more common than many assume it to be. The abusive strategies of alienating parents have been well- documented, as have the effects of PA on children and parents, which constitute a significant form of harm (Baker & Darnell, 2006; Harman et al, 2018; Kruk, 2018).

Recommendations for Family Policy and Practice

The intentional misrepresentation of data and key findings on family violence, PA, and shared parenting research results in significant harms befalling children and parents. Those who make false claims and report erroneous information, ignoring the multitude of current scientific data at their disposal, are culpable of a breach of ethical responsibility. It is notable that the most vocal critics of the concept of PA neither publish empirical research on the topic, nor participate at international conferences to present and discuss their perspectives, and be held accountable to the scientific community.

Four pillars of evidence-based intervention are recommended to deal effectively with the problem of PA (Kruk, 2018), the first of which being a recognition of PA as a specific form of family violence, warranting a criminal justice response. Family violence should be regarded as a criminal law matter, and barriers to criminal prosecution of perpetrators of family violence and protection of victims of family violence need to be acknowledged, recognized and removed. Gender-based family violence is of particular concern in this regard, as women are disproportionately harmed by severe physical violence and require the full protection of the criminal justice system. In addition, child protection authorities should recognize children witnessing the abuse of a parent as a serious form of abuse, and therefore a child protection matter requiring investigation and intervention to ensure children's safety and well-being.

The second pillar is the recognition of PA as a specific form of emotional child abuse, warranting a child protection response. Targeted parents routinely encounter professional misunderstanding of and indifference from professional service providers, especially child protection authorities, to alienation reports (Poustie et al, 2018). Research on effective child protection responses to parental alienation as a form of individual child abuse is a first priority. This includes effectiveness of family support/preservation programs and child removal interventions on the part of child welfare authorities.

The third pillar is the prevention of PA, by means of establishing shared parental responsibility as the foundation of family law. A legal presumption of shared parenting in contested cases of child custody, rebuttable in cases of family violence and PA, is fundamental in addressing the growing problem of PA. Shared parenting is contraindicated in situations of substantiated family violence and child abuse, and a rebuttable legal presumption against shared parenting is warranted in family violence cases. In situations where family violence is unidirectional, or mutual and reciprocal, judges should retain decision-making authority in regard to residential arrangements that ensure safety for children who are witnessing and experiencing violence.

The last pillar is related to the treatment of PA, including specialized intervention with children and targeted parents, and parent-child reunification programs. To be most effective, reforms in professional family therapy practice are needed in four key areas:

1. *Parental Alienation, Family Violence and the Education and Training of Family Therapists*, in the following areas: abuse in intimate relationships and its consequences for post-divorce parenting arrangements, including shared parenting; procedures, instruments and skills to screen for abuse and assess safety risks; specialized skills and interventions to ensure safety and provide specialized processes in cases of family violence and PA; alternatives to shared parenting when family violence and PA is a factor.
2. *Screening for Family Violence and PA*. Parents should be interviewed separately to assess: the risks and threats of family violence and PA, the safety needs of their children; each parent's ability to negotiate parenting arrangements voluntarily and competently, the extent of power imbalances and their impact on shared parenting arrangements, and the need for safe and appropriate alternatives to shared parenting.
3. *Safety and Cases of Historical Family Violence and PA where Specialized Interventions may Enable Shared Parenting.* Minimizing risk and maximizing safety ought to direct the development of protocols related to the option of shared parenting where past family

violence and PA are no longer issues of concern, and support services for target parents and their children. Provisions for safety include specialized interventions to ensure safety before, during and following negotiations regarding shared parenting arrangements, compensate for power imbalances; and terminate shared parenting negotiations safely and effectively.

4. *Alternatives to Shared Parenting in Cases of Family Violence and PA*, including an array of marital dissolution models that may involve legal negotiation, adjudication, mediation, negotiation, and facilitated settlement conferences.

Conclusion: Points of Convergence

Although the debates surrounding PA theory have not abated, there are several points of convergence between proponents and opponents of the assertion that and PABs are a form of domestic violence and child abuse. First, it is generally agreed that the well-being of children should be the utmost consideration in dealing with contested child custody cases in family court. Second, there is consensus that a key factor in children's adjustment to the consequences of divorce is the maintenance of meaningful and loving relationships with each of their parents. Third, it is agreed that children need to be shielded and protected from violence and abuse, prolonged exposure to high conflict between parents, and PA. Finally, if it is alleged or if we suspect that children are exposed to family violence and PA during their parents' separation, it is generally agreed that a timely, thorough and informed assessment be done to determine what measures need to be put in place to protect those children and ensure their well-being.

There is a measure of consensus that the two key factors in children's adjustment to divorce are the maintenance of meaningful relationships with both parents, and protection form violence, abuse. A key question that remains, how can we ensure the maintenance of meaningful parent-child relationships while at the same time protecting children from violence and abuse? A rebuttable legal presumption of shared parenting responsibility in high conflict cases, and a rebuttable presumption against shared parental responsibility in cases of family violence and child abuse, including in situations of intimate partner violence and parental alienation, are vital to the prevention of family violence and PA.

There are also points of divergence which, when examined more closely, are resolvable points of contention. Whereas proponents of PA theory, on the basis of scientific evidence concerning child outcomes in post-separation families, conclude that a rebuttable legal presumption in favor of

shared parenting is preventive of PA and therefore commensurate with the well-being and best interests of the majority of children, opponents have disavowed both PA theory and the notion of legislated shared parenting, arguing that a rebuttable legal presumption against shared parenting best protects women and children in post-separation families. These two presumptions, one in favor of a shared parenting presumption rebuttable in situations of family violence and the other a presumption against shared parenting in family violence cases, are typically understood to be diametrically opposed policies. We challenge the notion that these two presumptions are fundamentally opposed, and assert that they are in fact complementary, and it is in the interests of both that family law establishes a criterion of child custody determination that fully addresses the needs for protection of vulnerable parents and children in situations of family violence, while at the same time ensuring that parents' and children's needs for meaningful parent-child relationships are equally protected.

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