

# How to Prove Parental Alienation Syndrome

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When parents' divorce, harsh feelings and resentment can lead to parental alienation, in which one parent engages in emotionally manipulative tactics to convince the child that the other parent is a bad person who doesn't love or care about the child. Often this is far from the case, and the targeted parent would do anything to stop this abusive behavior and maintain a positive relationship with their child. If your former spouse is attempting to alienate you from your child, you may be able to get the courts to support you – but first you have to be able to prove parental alienation is taking place, which often can be quite difficult.

## Part One – Recording Behavioral Patterns

### 1 - Recording Behavioral Patterns

Keep a diary. If you're not already doing so, keep a daily record of anything that happens involving your child, including conversations or incidents with the other parent.

- Your records of what happens can be crucial in proving that parental alienation is taking place, which often may mean disproving accusations from the other parent.
- For example, the other parent may file a motion to modify your parenting plan because you don't have time to spend with the child. Detailed records of the time you and the child have spent together, including tickets to any events or activities and photographs of the two of you together can help prove the other parent is trying to distance the child from you or harm your relationship.
- Take note of any special requests your ex-spouse makes or adjustments they want made to the court-ordered parenting plan. Often an alienating parent will request adjustments and then blame you when you don't agree.
- A log of activities is especially important if there are recurring problems with your parenting time and adherence to the court-ordered schedule.
- Keep in mind that courts differ regarding how much control a child has to decide whether they want to visit the non-custodial parent – and it often depends on the age of the child as well. However, courts typically look askance at parents who offer their children the option of doing something that is contrary to a court order. If your child says something like "Dad said I didn't have to come visit you next week if I didn't want to," include that in your diary as evidence of possible parental alienation.
- If you have trouble communicating with your ex-spouse, try your best to keep all communication in writing. That way you both have a record of what was discussed. Save copies of texts or emails, as they may be useful as evidence if your ex-spouse later claims they didn't agree to something, or tries to argue that you agreed to something when you didn't.
- If your ex-spouse is sending you accusing or alienating messages, maintain records of them in chronological order so you can demonstrate a pattern of alienation.

### 2 - Be aware of warning signs.

Certain behavior or changes in your child's attitude can be symptomatic of parental alienation.

- There are different types of alienation, all with their own warning signs. Understanding the type of alienation being practiced can be as important as recognizing that alienation is taking place, since different types often require the use of different strategies to combat the problem.
- Keep in mind that many parents who engage in alienating behaviors do have their children's best interests at heart, and are willing to seek help if they understand how their behavior is harming their children's development.
- Parental alienation does differ from parental alienation syndrome, in that the symptoms of the syndrome most often are found in the child's behavior.
- For example, if your child seems reluctant to come visit you, or refuses to spend time with you, that conduct may have more to do with parental alienation than with the fact that your child doesn't like you or doesn't enjoy spending time with you.
- An alienating parent may, for example, support your child's refusal to visit you – even if the child lacks any reason for their refusal. For the alienating parent, this means the child prefers them to you.
- Be wary of secrets your child has with the other parent, including code words or signals. For example, your child may refuse to tell you what he did with a parent last weekend, and may even say "Dad said not to tell you," or "Mom said to keep it a secret." Even if what they did was as simple and innocent as going to a baseball game together, the fact that your ex is instructing your child to keep something from you is evidence of parental alienation.

### **3 - Talk to your child.**

Especially since the other parent may be trying to get the child to believe that you don't love or care about them, keeping open lines of communication is essential. Listen carefully to what they have to say, validate their feelings, and make it clear that you care.

- Be wary if your child simply parrots what the other parent has said, rather than expressing their own feelings or explaining an event in their own terms. For example, if you ask your daughter why she didn't come to visit last Saturday, she might say "Mama said you were too busy to spend time with me."
- If the other parent is accusing you of abusing the child, or planting ideas in the child's mind that actions of you are abusive, address these allegations immediately and seek professional help for your child.
- Ask our child questions about what they do at your ex-spouse's house, but avoid asking probing or leading questions. If your child wants to talk about something they did at dad's house, be willing to listen openly, but don't pry or attempt to elicit potentially damaging information from your child.
- If your child tells you about something that implies abusive or neglectful behavior, take them to a professional rather than getting upset or continually asking questions about it. Keep in mind that your child probably will feel uncomfortable if, for example, she feels like she's "tattling" on the other parent.

### **4 - Enforce all custody or visitation orders.**

Even though the other parent may be doing everything they can to interfere with the visitation schedule, it's important that your child have time with both parents.

- If the other parent violates a custody or visitation order, contact your attorney and the court immediately. Stress to your child that court orders must be obeyed or there will be serious consequences.

- Keep in mind that in many states, courts will consider systematic interference with a court-ordered parenting plan to be in violation of the "best interests of the child" standard.
- If the other parent refuses to give you the child's medical or school records as required by your original order, go to the courts to have the order enforced rather than resorting to self-help. Keeping those records from you may be considered a sign of parental alienation, and certainly doesn't encourage the full involvement of both parents in the child's life.
- Court records also can later be used to prove parental alienation if further problems arise. If your ex is being uncooperative and refuses to give you access to documents related to your child's health and well-being, courts will recognize this as not in the best interests of your child.
- If the alienating parent recommends or suggests something, research it and consider your ex-spouse's motivations before you agree to it. Read all court documents carefully and look for loopholes in anything your ex-spouse is quick to agree to or suggest.
- While many state courts don't necessarily recognize "parental alienation syndrome," they typically must consider evidence of parental alienation along with other factors when determining the best interests of the child.
- Many states espouse the policy that the ideal is for a child to have a close and on-going relationship with both parents. Therefore, one parent who seeks to cut out or alienate the other parent typically isn't considered to be in the best interests of the child.

#### **5 - Ask the court for a guardian ad litem.**

A guardian ad litem is a court officer charged with representing your child's best interests, and can monitor the other parent's compliance with court orders.

- The court may have the guardian ad litem visit the child in the other parent's home and observe interactions between them. They will interview both parents and the child, together and separately, and report to the court on their findings.

#### **6 - Talk to your attorney.**

If you have what you believe is evidence of parental alienation, your attorney will know how best to bring it up with the court.

- Keep in mind that parental alienation syndrome is not a true "syndrome" in the medical sense, in that it's not a mental condition occurring within one person. Rather, it refers to a type of dysfunctional relationship – between the two parents and between the alienating parent and the child.
- Although most courts accept and consider evidence of parental alienation and alienating behavior, many won't accept a diagnosis of "parental alienation syndrome" in your child. Since the syndrome is not recognized by the American Psychological Association or included in the most recent Diagnostic and Statistical Manual of Mental Disorders (DSM-5), it can't legally be defined as a mental disorder.
- The complex process of determining how parental alienation is affecting your relationship with your child typically requires court assistance, and won't happen overnight.
- If your ex-spouse is continually requesting changes to scheduled visitation, or setting up special outings or trips to tempt your child into refusing a scheduled visitation, you also should alert your attorney and determine whether to get the court involved. While courts expect parenting plans to be flexible and take into account the needs of the parents and the children, one parent continually attempting to alter the court-ordered plan may be alienating behavior and should be discouraged.

## **7 - Depose the other parent.**

If your ex-spouse files a motion, such as a motion to modify custody, that you believe is motivated by parental alienation, you should conduct a deposition to assess their reasons for the motion and what they hope to gain from it.

- Speak with your attorney about asking questions that may elicit alienating responses. For example, your attorney may ask your ex-spouse if they've ever talked to the child about your personal life, or if they have ever made negative comments about you to the child.
- Your attorney also may want to hire an expert witness either to sit in on the deposition or review the transcript so they can analyze the responses given.
- Many courts will consider whether a parent has said demeaning things about the other parent to the child, discussed divorce litigation with the child, or encouraged the child to be disobedient or disrespectful to the other parent. You can ask your ex-spouse about these kinds of behavior in the course of a deposition.

## **Part 2 – Talking to Witnesses**

### **1 - Talk to other adults who are around your child on a regular basis.**

While your child may not say much directly to you, they may mention things around other adults.

- Keep in mind that other family members also may be contributing to parental alienation. This can be the case if, for example, the alienated parent feels victimized by you. If you asked your husband for a divorce and he didn't want one, he may feel that it's your fault the marriage ended. His parents or siblings may naturally gravitate to his side and believe things what he says about you, even if they are untrue.
- Neutral third parties such as the child's teacher or coach may be better sources of information concerning the other parent's actions. For example, if your ex-wife is engaging in alienating behavior, the teacher may notice a difference in your child's conduct when she is staying with her as opposed to when she is with you.
- Supportive individuals in your community, such as teachers, coaches, and religious leaders, typically have your child's best interests at heart and can be strong witnesses on your behalf when you're attempting to prove parental alienation.

### **2 - Correct any false or distorted information.**

Since alienating parents often lie to turn the child against the targeted parent, make sure your child and other adults know the truth.

- This can be difficult if the other adults with whom you speak are people more aligned with your ex than with you.
- Alienating parents may encourage an "us against them" mentality, so stress that you have the child's best interests at heart and aren't trying to make an enemy of your ex.

### **3 - Consider taking your child to a psychologist.**

Psychological treatment can be essential not only for proving parental alienation but for your child's health as well.

- Your child may tell things to a psychologist that they wouldn't tell you. Additionally, psychologists are trained to recognize the significance of certain conduct and behavioral patterns that you might not notice.
- Your child also may feel more comfortable talking about things the other parent is saying about you than they would be telling you those things.

- In some cases you may be able to get the court to order a psychological evaluation of your child. Talk this over with your attorney to find out what the process is in your state. The psychological examiner's report can be used as evidence to prove parental alienation is present.
- Your state or local children's services agency also can help if you're having difficulties with the other parent or believe your child is suffering from parental alienation syndrome. These agencies have resources to assist you and their assistance will save you money compared to taking your child to a psychologist or psychiatrist in private practice.
- Keep in mind that to prove parental alienation, you also must be able to demonstrate that the negative conduct by your ex-spouse is actually causing harm to your child. Testimony from a child psychologist or psychiatrist maybe necessary to prove this harm.

## Part 3 – Protecting Your Child

### **1 - Maintain your relationship.**

The best way to fight the other parent's attempted emotional manipulation of your child is to prove them wrong.

- Keep the best interests of your child at heart, and don't give up on them just because your ex-spouse is making things difficult. Your child will notice if you seem to stop caring or if you constantly give in to your ex's demands.
- You also should maintain relationships with your own family members and other people in your community. Encouraging your child to go on play dates or become involved in community activities will strengthen their connection to you in a positive way and can help combat the effects of alienation.

### **2 - Avoid negative interactions with the other parent.**

Getting into fights with your ex-spouse, especially in front of your child, will only confuse your child further and give the alienating parent more ammunition.

- Try to resolve any disagreements you have with the other parent without bringing the child into it. Your child knows the two of you don't get along – you're divorced. But avoid involving your children in these disagreements or causing them to feel as though they're responsible for the problems you're having.

### **3 - Refrain from disparaging the other parent in front of your child.**

Remember that parental alienation is a form of emotional abuse, and avoid engaging in the same behaviors yourself.

- Keep in mind that although children may be able to brush off the occasional insulting remark when you are obviously angry or frustrated, these statements can have tremendous consequences, particularly if the other parent is saying similar things about you.
- Strive to keep your relationship with your child positive and monitor your own behavior, keeping your expressions of anger and hurt under control. Label your emotions, then redirect. For example, you could tell your child "I'm very frustrated right now, and I don't want to dwell on it. Let's do something fun instead." Deal with difficult emotions when your child is not around.
- Rather than talking negatively about the other parent or throwing accusations, focus on the health and well-being of your child. If you truly believe that your child is in danger, or is being abused or neglected by the other parent, contact law enforcement immediately.

### **4 - Keep conversations with your child age-appropriate.**

Alienating parents often tell children information they're not old enough to understand yet.

- Alienating parents also may give the child the opportunity to make choices that they are not mature enough to be making yet.
- For example, an alienating parent may ask your child to choose one over the other, or imply that they have a choice in whether to comply with the court's visitation order.
- Other parental alienation involves asking the child to secretly gather information against the other parent or trying to use the child as a witness against the other parent. The child should not be involved in your adult relationship.
- If your child asks questions related to things the alienating parent has said, be careful not to share information that may be too mature for the child. You can provide an honest answer while at the same time explaining that you will discuss the subject in more detail later.

#### **5 - Seek court orders prohibiting certain conduct.**

If the other parent is engaging in specific alienating behavior, you can go to court and ask the judge to prohibit them from continuing to do those things.

- For example, if your ex-husband doesn't allow your child to take her favorite toys with her when she goes over to his house, or doesn't allow your child to keep gifts you give her, this may be a sign of parental alienation. You can fight it by asking the court to issue an order prohibiting your ex-husband from keeping your child's things from her.
- You also can seek court orders to prohibit your ex-spouse from scheduling events or activities that conflict with the visitation schedule, or to allow phone calls at specific times of day.
- If you're concerned for your child's safety or welfare when she visits your ex-spouse, you may want to petition the court for supervised visitation. The monitor won't interfere with your ex-spouse's time with your child, but will observe them and ensure that your ex-spouse isn't alone with the child.