

# Parental Alienation Can Be Emotional Child Abuse

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*What is and is not parental alienation? Here are some of its descriptors, possible effects on children, and tips for custody evaluators and family court judges.*

When marital discord evolves into hatred, many couples are quick to see divorce as their best option. Divorce may be an easy way out for the couple, but it often wreaks havoc on the children. When parents seek help from state courts, family court judges can appoint mental health professionals as custody evaluators to guide them in determining the future best interests of the children. While these professionals are historically skilled at identifying physical child abuse, they are beginning to identify a more insidious form of emotional child abuse called parental alienation. When this form of abuse is correctly and timely identified, custody evaluators can recommend specific strategies for success.



## Parental Alienation vs. Parental Alienation Syndrome

Parental alienation is frequently confused with the parental alienation syndrome (PAS). Dr. Richard Gardner, an American psychiatrist who died in 2003, coined the phrase “parental alienation syndrome” in 1985 and wrote extensively about it. He defined the syndrome as:

*a childhood disorder that arises almost exclusively in the context of child-custody disputes. It is a disorder in which children, programmed by the allegedly “loved” parent, embark upon a campaign of denigration of the allegedly “hated” parent. The children exhibit little if any ambivalence over their hatred, which often spreads to the extended family of the allegedly despised parent (“Recommendations for Dealing with Parents Who Induce a Parental Alienation Syndrome in Their Children,” *Journal of Divorce and Remarriage* 28, nos. 3-4 [1998]).*

Gardner used the term “syndrome” because of his medical background. A syndrome is a cluster of related symptoms. Syndromes are generally discouraged as evidence in court because they refer to symptoms from a collection of individuals, while the court is only concerned with those individuals who have standing for the matter before the court.

For Gardner, the syndrome describes the child’s campaign of denigration against one of their parents—a campaign that is encouraged by the other parent. It should be noted that there is no PAS when abuse or neglect is present. PAS can only be applicable when the “hated” parent has not abused or neglected the child or exhibited any behavior that would justify the child’s animosity toward that parent.

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While PAS identifies a problem in the child (“a childhood disorder”), parental alienation identifies a collection of one parent’s behaviors aimed at causing the child to become alienated from the other parent. Children can become alienated from a parent for a variety of reasons, such as sexual abuse, physical abuse, emotional abuse, parental abandonment, adult alcoholism, narcissism, and other reasons. Sometimes, a child may become alienated from the parent who initiated the divorce, blaming that parent for breaking up the family. But while these reasons may explain why the child is alienated from the parent, none would qualify as descriptors for parental alienation. Parental alienation is a strategy whereby one parent intentionally displays to the child unjustified negativity aimed at the other parent. The purpose of this strategy is to damage the child’s relationship with the other parent and to turn the child’s emotions against that other parent. This strategy has been called a “head-trip game” (see Ken Lewis, *Child Custody Evaluations by Social Workers: Understanding the Five Stages of Custody* [Washington, DC: NASW Press, 2009], p. 44).

Parental alienation is a particular family dynamic that can emerge during divorce in which the child becomes excessively hostile and rejecting of one parent. This hostility can involve transgenerational dynamics about which evaluators and family court judges should be aware.

The remainder of this article presents:

- a list of the various descriptors that identify parental alienation;
- the possible effects on the children;
- parental alienation as a form of emotional child abuse;
- the ways that courts have responded to parental alienation; and
- 10 tips for family court judges.



## Descriptors of Parental Alienation

When investigating whether parental alienation is present, a custody evaluator looks for a variety of descriptors concerning the targeted parent and the alienating parent. Ten such descriptors are:

1. The child expresses a relentless hatred for the targeted parent.
2. The child's language parrots the language of the alienating parent.
3. The child vehemently rejects visiting the targeted parent.
4. Many of the child's beliefs are enmeshed with the alienating parent.
5. Many of the child's beliefs are delusional and frequently irrational.
6. The child's reasons are not from direct experiences but from what has been told to him or her by others.
7. The child has no ambivalence in his or her feelings; they are all hatred with no ability to see the good.
8. The child has no capacity to feel guilty about his or her behavior toward the targeted parent.
9. The child and the alienating parent are in lockstep to denigrate the targeted parent.
10. The child can appear like a normal healthy child. But when asked about the targeted parent, it triggers his or her hatred.

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## Effects of Parental Alienation on the Children

Parental alienation is a form of emotional child abuse. The potential impact of this abuse on a child's life can be devastating. Some of the frequently listed effects of parental alienation have been reported in the child welfare literature, including:

- an impaired ability to establish and maintain future relationships;
- a lowering of the child's self-image;
- a loss of self-respect;
- the evolution of guilt, anxiety, and depression over their role in destroying their relationship with a previously loved parent;
- lack of impulse control (aggression can turn into delinquent behavior); and
- educational problems, disruptions in school.

Family therapists who have treated alienated children have classified the problem as a "parent-child relational problem," as outlined by the American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders* (4th ed.).

## Parental Alienation and Emotional Child Abuse in State Statutes

Children who suffer from emotional abuse often elude the legal assistance of the child protection system. For example, this emotional abuse is usually invisible to teachers and social workers and even the family court judge. The alienated child will talk with the judge in language and syntax similar if not identical to the way the alienating parent talks. While the targeted parent often appears anxious, depressed, or angry, the alienating parent appears relaxed, composed, and, therefore, credible.

The normative framework of the child protection system does not always include the emotional abuse of children. For the majority of states, the physical health and safety of children are focal points in determining whether abuse or neglect has occurred. Nonetheless, 48 states include emotional abuse or maltreatment in their abuse definitions. (Emotional maltreatment is not included in statutory definitions in Georgia and Washington, but it can be found elsewhere in their statutes.)

## Samples of Statutory Definitions in the United States and Canada

### California

"A child who is suffering serious emotional damage, or is at substantial risk of suffering serious emotional damage, evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, as a result of the conduct of the parent or guardian."  
W.I.C. §300 subd. (c) 2000 [Welfare and Institutions Code].

### Michigan

"'Serious mental harm' means an injury to a child's mental condition ... that is not necessarily permanent but results in visibly demonstrable manifestations of a substantial disorder of thought or mood which significantly impairs judgment, behavior, capacity to recognize reality." MCL 750.136b (1)(g).

Punishment for serious mental harm is prescribed:  
"A person is guilty of child abuse in the *first degree* if the person knowingly or intentionally causes serious physical or serious mental harm to a child. Child abuse in the first degree is a felony punishable by imprisonment for not more than 15 years." MCL 750.136b (2).

### Minnesota

"Persons guilty of neglect or endangerment (include) a parent ... who endangers the child's ... health by: ... permitting a child to be placed in a situation likely to substantially harm the child's ... emotional health."  
Minn. Stat. § 609.378, Subdivision 1 (a)(2)(b)(1) (2005).

### Nevada

"'Substantial mental harm' means an injury to the ... emotional condition of a child as evidenced by an observable and substantial impairment of the ability of the child to function within his normal range of performance or behavior."  
Nev. Rev. Stat. Ann. § 200.508, 4 (e) (2006).

### North Dakota

"A parent ... who willfully inflicts ... upon the child mental injury ... is guilty of a class C felony except if the victim ... is under the age of six years in which case the offense is a class B felony."  
N.D. Cent. Code, § 14-09-22.1 (2013).



### Wyoming

"'Mental injury'" means an injury to the ... emotional stability of a child as evidenced by an observable ... impairment in his ability to function within a normal range of performance."  
Wyo. Stat. § 14-3-202 (A) (2006).

### Manitoba

"The best interests of the child shall be the paramount consideration of the ... court in all proceedings ... . [R]elevant matters shall [include] ... the child's opportunity to have a parent-child relationship as a wanted and needed member within a family structure ... [and] the ... emotional ... needs of the child and the appropriate care ... to meet such needs."  
The Child and Family Services Act, 1985, C.C.S.M. c. C80 2(1)(a) & (b) [Continuing Consolidation of the Statutes of Manitoba].

### Ontario

"No person having charge of a child shall permit the child to suffer from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child's development."  
Ontario Child and Family Services Act, R.S.O. 1990, Chapter C.11 sec. 79 (2)(b)(ii).

Whether “mental harm,” “mental injury,” “emotional instability,” “emotional endangerment,” “emotional damage,” or some other phrase, it is clear that emotional child abuse is a statutory crime. When one parent intentionally encourages the child to turn against the other parent, he or she is employing parental alienation as a strategy.

When this strategy is used by one parent in hopes of alienating the child against the other parent, it is tantamount to teaching the child how to hate. Canadian Judge John H. Gomery put it eloquently this way: “Hatred is not an emotion that comes naturally to a child. It has to be taught.... Defendant has deliberately poisoned the minds of his children against the mother that they formerly loved and needed” (*Stuart-Mills, P. v. Cher, A.J.*, Sup. Ct. Quebec, District of Montreal [1991]).

Parental alienation can be administered in mild or extreme amounts, or anything in between. In its extreme form, it can be defined as criminal behavior, consistent with the various state definitions presented above.



*When the strategy [of parental alienation] is successful, the emotional consequences to the child can be damaging and may rise to the level of criminal behavior.*

## How the Courts Have Responded to Parental Alienation

Courts in different states have responded to parental alienation in different ways. Basically, there have been four categories of these responses.

**Criminal Response.** Some states make interference with custody a criminal offense. For example, New Jersey makes interference a crime of the third degree that may lead to imprisonment for three to five years or a fine of \$7,500 or both. All states make emotional child abuse or maltreatment of a child a criminal offense. Some extreme cases of parental alienation may warrant this response.

**Civil Remedies.** All courts can impose civil sanctions by way of contempt-of-court orders. When a parent’s strategy of parental alienation endangers the child’s relationship with the other parent, some of the possible civil remedies may be economic sanctions against the alienating parent or short incarceration time for contempt of court.

**Custody Responses.** All courts that have initial custody jurisdiction have the authority to modify previous custody orders. Responses to parental alienation have been to deny initial custody (order a parental alienation evaluation, deny custody to the alienating parent); to modify visitation (extend visits between the child and the alienated parent, establish supervised visitations); and to modify previous custody (temporary modification of custody for specific time periods, permanent modification of custody, reverse custody).

**Therapeutic Responses.** Family law’s innovations and reforms have become the showcase for therapeutic jurisprudence. Parental alienation cases provide opportunity to demonstrate how the strategy of replacing the “punishment” role of the courts with the therapeutic “fix-the-problem” approach can advantage children. Evaluation and therapy are earmarks of the therapeutic response to parental alienation.

The court could order an evaluation of the child to determine whether parental alienation is operative in a case and, if so, at what level is it operative.

- The court could order individual therapy for the alienator.
- The court could order family therapy in mild cases.
- Parental alienation therapy by a specialist could be ordered by the court in extreme cases.

## Ten Tips for Custody Evaluators and Family Court Judges

- Tip #1** *There is no parental alienation when there is reasonable justification for the child to express negativity against one parent.*
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- Tip #2** *Parental alienation can be a strategy used by the custodial parent, the noncustodial parent, or both parents.*
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- Tip #3** *Parental alienation is nearly impossible when the child is an infant.*
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- Tip #4** *The beginning stage of parental alienation is difficult to begin in the child's late teen years.*
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- Tip #5** *Parental alienation can be operative on one sibling, while not operative on the other siblings.*
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- Tip #6** *If parental alienation is suspected or alleged, it should be assessed by a custody evaluator experienced in the matter.*
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- Tip #7** *Extreme parental alienation should be considered emotional child abuse and referred criminally.*
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- Tip #8** *Often parental alienation can be reduced or eradicated by ordering more time between the child and the targeted parent. When a child spends frequent positive time (primary experience) with one parent, it is less likely that the other parent's parental alienation strategy will be successful.*
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- Tip #9** *Parental alienation case law is growing; family court judges should become familiar with cases in their jurisdictions.*
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- Tip #10** *Identify mental health professionals in family court jurisdictions who have expertise in parental alienation.*

## Parental Alienation Bench Card

### Parental Alienation Descriptors

- 1. The child expresses a relentless hatred for the targeted parent.
- 2. The child's language parrots the language of the alienating parent.
- 3. The child vehemently rejects visiting the targeted parent.
- 4. Many of the child's beliefs are enmeshed with the alienating parent.
- 5. Many of the child's beliefs are delusional and frequently irrational.
- 6. The child's reasons derive from what has been told to the child by others.
- 7. The child has no ambivalence about his or her negative feelings; they are all hatred.
- 8. The child feels no guilt about his or her negativity toward the targeted parent.
- 9. The child and the alienating parent are in lockstep to denigrate the targeted parent.
- 10. The child can appear like a normal healthy child, but, when asked about the targeted parent, it triggers his or her hatred.

### Effects of Parental Alienation on the Alienated Child

- 1. An impaired ability to establish and maintain future relationships.
- 2. A low self-image.
- 3. A loss of self-respect.
- 4. Over time: guilt and depression for destroying the relationship with a previously loved parent.
- 5. Lack of impulse control. Aggression can turn into delinquent behavior.

### Court's Possible Responses During Child Custody Litigation

- 1. Enter order to determine whether parental alienation is operative and, if so, at what level.
- 2. Order individual therapy for the alienator.
- 3. Order family therapy in mild cases.
- 4. In more severe cases, order parental alienation therapy by a specialist.

Caution: If possible, parental alienation should be addressed in its early stages. It is significantly more difficult to treat if it progresses over time and grows more intense.