

Helping Your Clients When Parental Alienation Happens By Plinio J. Garcia

The expression “parental alienation” triggers numerous emotions. Many in the psychological and legal communities absolutely reject the phrase. In some situations, judges who refuse to accept the terminology side with the parent who doesn’t use it. Whether or not you believe in parental alienation, it is important to recognize that in many divorce cases involving children, there is some form of “alienating behavior” carried out by one parent toward the other—and the psychological consequences on the children are often irreparable if not addressed. Attorneys should be aware that *they can help* families avoid or minimize the effects of parental alienation. To do this, an attorney needs to understand what parental alienation is, what it does, who can be an alienator, what the consequences are, and what he or she can do to stop it.

What Is Parental Alienation?

According to the late Jayne Major, PhD, author of “Breakthrough Parenting,” parental alienation, or PA, occurs “any time one parent communicates in a derogatory way about the other parent in a manner that affects their child or children emotionally, psychologically or even physically.”[1] In the legal system, “Parental alienation is a social dynamic, generally occurring due to divorce or separation, when a child expresses unjustified hatred or unreasonably strong dislike of one parent, making access by the rejected parent difficult or impossible.”[2] Regardless of the definition, what is important to know as a lawyer is that if you or your client engages in any type of alienating behavior or if the other parent and his or her counsel does so, such behavior creates a conflict within the child and thus “removes” the child’s voice to like or love the criticized parent.[3] The results are damaging and, many times, permanent.

What Are Examples of PA?

Parental alienation can take the following forms:

1. *Direct verbal communication between the parent and the child.* For example, a mother might tell her toddler, “You are losing all your friends from school because your father is a bad man and he met another woman and now we have to move away from your friends.” Such communication blames the other parent and makes the child hate that parent.
2. *Indirect communication.* An example of indirect communication might be the following comment made by one parent to the other in a telephone conversation overheard by their children: “If you loved your children, you would not have left us.” The children are led to believe that the other parent does not love them. Or one parent might say something like the following to the grandparents in front of the children: “I know he is a loser; I know I made a mistake.”
3. *Misleading communication.* One parent might show the children a text message written by the other without allowing them to see the entire thread. For example, let’s say the alienating parent has been texting the other that he hates her, and she texts back, “I hate you. I wish I had never met you.” The message being shown to the children is cruel, but the children are not seeing all the messages that led to this explosion. So the alienated parent looks ugly, and the alienating parent looks like the victim.
4. *Malicious communication.* As an illustration of malicious communication, the father might use a computer program to alter an image on a porn site to look like the mother and present this to the children as the reason he had to ask her to leave the home.
5. *Hidden and /or nuanced communication.* An instance of hidden or nuanced communication might be, “Don’t tell Daddy that we bought the new toy because he will get mad. This is our little secret.” Such a statement leads the child to believe that the other parent is not generous.

6. *Social media communication.* One parent can use social media to coerce a child to alienate the other parent, through “likes” or negative comments on Facebook, disparaging “tweets” on Twitter, inappropriate photos posted on social networking sites, etc.

What Types of Parents Can Be Alienators?

My research and personal experience have revealed two kinds of alienating parents: narcissistic and rejecting/abusive.

Narcissistic personality disorder (NPD) is a mental disorder in which an individual is excessively preoccupied with issues of personal adequacy, power, prestige, and vanity.[4] According to developmental psychologist Amy Baker, PhD, there are three observed types of parents who try to alienate their children from the other parent.[5] Two of these types of parents are narcissists. Baker identifies them according to two patterns. Pattern 1 is a narcissistic mother in a divorced family; pattern 2 is a narcissistic mother in an intact family.[6] In these cases, the parent seduces, charms, and/or persuades the child that the other parent is stupid, useless, bad, or even evil.

Based on my own observation, narcissistic fathers who have custody of their children and are divorced are equally capable of alienating behavior. With the rise in stay-at-home dads and the growth of same-sex parenting, there is also an increase in the incidence of divorced male parents engaging in behavior that alienates the other parent so as to control the outcome of a divorce or separation. In my opinion, alienation is gender neutral.

Regarding the other type of alienating parent, Baker explains that rather than portray or create a “close relationship” with the child as the narcissistic parent tries to do, the rejecting/abusive parent engages in a campaign of fear, pain, and denigration that leads the child to reject the other parent.[7] Unlike the narcissist, this type of individual usually has a history of being sexually and/or physically abused by a parent or caretaker. Attorneys can help break the cycle

of alienation by simply discouraging their clients from engaging in alienating behavior. More importantly, an attorney should never encourage a client to find ways to alienate his or her children from the other parent in order to win full custody.

Why Is Parental Alienation Important to Address?

Sixty-six percent of all divorces in the United States involve children [8]. Half of all divorces involve minor children [9] Although children of all ages are affected by divorce, those under five are especially vulnerable. Infants cannot survive on their own, and dependency on a caretaker, or parent, is crucial for toddlers. In these early years, trust and bonding are created. New studies show that if trust and bonding are lost during this period, they will most likely never occur—and the ramifications are sad and permanent.

Allowing parental alienation to occur can result in the following serious consequences.

1. Parental alienation can lead to trust issues in adulthood.

When a separated or divorced parent criticizes the other, he or she creates an image in the child's mind of danger or unhappiness. Because the courts eventually want children to spend time with both parents, the alienating parent (the one that the child is supposed to trust) sends the child to spend time with the "dangerous" parent! What kind of caretaker puts his or her child in the care of a menacing person? Not a good one. Yet that is what alienating parents do. They set up the other parent as evil, and then deliver the child to this monster. The message is, "Daddy is a monster; today I am letting you spend time with a monster."

2. Parental alienation can create poor self-esteem or even self-loathing in children and adults.

When one parent repeatedly criticizes the other biological parent, he or she is unknowingly criticizes 50 percent of that child's genetic

composition. Consciously or unconsciously, the child is getting the message, “Fifty percent of me is bad” or “Fifty percent of me is stupid” — whatever expression the alienating parent uses. As adults, these individuals frequently have extreme personality disorders or issues with self-esteem or self-loathing when something goes wrong in their life. They think, “I am just like my stupid father.”

3. Parental alienation creates a cycle of alienation.

Continuously criticizing or blaming the other parent for the problems in a child’s life teaches the child to blame others for his or her shortcomings rather than take responsibility for his or her actions. While the behavior of one parent may have instigated the breakup of the family, how both parents handle this misfortune provides an important lesson for the children. If divorcing or separating parents treat each other with respect and civility, they will *not* be raising their children with hatred and alienation.

What Can Attorneys Do About Parental Alienation?

Before we discuss what attorneys can do to help, I want to address the elephant in the room: attorney’s fees. It is a fact that the family law court system is erroneously based on a “win or lose” platform. This is especially unfortunate when children are involved. It is also a fact that the more contentious a divorce is, and the more the parents hate each other and fight over custody of the children, the more billable hours for the attorneys. Knowing what you now know, are you willing to help destroy a child’s psychological and emotional well-being in order to charge your client more for his or her divorce?

Because so many divorces today involve children, attorneys should help their clients prevent alienating behavior. Law firms should offer their partners a brief introduction to parental alienation and parental alienation syndrome.[10] Lawyers should refrain from encouraging parental alienation (at the cost of billable hours) and even identify this behavior in their clients. If your client is engaging in alienating behavior, ask him or her to stop because it is causing harm to the

child or children.

If lawyers see the other side engaging in alienating behavior, they should identify it and point it out to the judge. If the judge cannot see it or cannot believe it, the attorney should suggest requesting a psychological evaluation of the child by a psychiatrist or therapist who understands parental alienation and parental alienation syndrome. If the pattern continues, the attorney should request a 730 evaluation by an evaluator who believes in and understands parental alienation.

If an attorney does not recommend the proper evaluator, the damage to the child could be worse. In traditional therapy, the therapist is trained to be empathetic with the patient. Unfortunately, in parental alienation syndrome cases, the child is not speaking in his or her own voice. The experiences he or she describes to the therapist or evaluator may actually never have occurred. Therefore, the evaluation or the therapy cannot be properly carried out. Lawyers must obtain proper referrals every time they consider a psychological evaluation, especially a 730 evaluation.

Parental alienation is not a tool by which to “win” a custody battle. In custody cases, there usually is NO WINNER OR LOSER. Using a child’s emotions to gain custody—and the money associated with that custody—is never a “winning” strategy. The children in a divorce just lost the family unit. They should not lose a parent—or their self-esteem. Moreover, the alienating parent most likely needs therapy in order to stop the cycle of abuse, neglect, or alienation.

I always tell my clients that if they focus on what is best for the child, not what they *think* is best but what they *know* is best, everything else should fall into place. I recommend that attorneys to do the same. When children are involved in divorce, everyone should put the children’s well-being first. In the end, the client will be grateful and attorney bills will be paid.

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Notes

1. Jayne Major, "Parental Alienation (PA) & Parental Alienation Syndrome (PAS)" (Major Family Services, 2010).
2. R. A. Warshak, "Bringing Sense to Parental Alienation: A Look at the Disputes and the Evidence," *Family Law Quarterly* 37 (2003), 273–301.
3. Richard A. Gardner, S. Richard Sauber, and Demosthenes Lorandos, *The International Handbook of Parental Alienation Syndrome* (Springfield: Charles C. Thomas Publisher, Ltd., 2006).
4. American Psychiatric Association, "Narcissistic Personality Disorder," in *Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, Text Revision (DSM-IV-TR)* (American Psychiatric Publishing, 2000).
5. Amy J. L. Baker, *Adult Children of Parental Alienation Syndrome: Breaking the Ties That Bind* (New York: W. W. Norton & Company, Inc., 2007).
6. Ibid.
7. Ibid.
8. John E. Desrochers, "Divorce: A Parents' Guide for Supporting Children" (*Bethesda, MD; NASP: National Association of School Psychologists, 2004*)
9. S. Portnoy, "The Psychology of Divorce: A Lawyer's Primer, Part 1 - The Effects of Divorce on Adults, 20(2), *American Journal of Family Law*, 73-79 (2006).

10. Parental alienation syndrome occurs when, through the efforts of one parent, children lose their own voice in how they view and love their other parent. According to Richard Gardner, parental alienation syndrome occurs when one parent in a post-custody arrangement successfully manipulates the child or children to turn against the other parent.