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BACKGROUND PAPER

**MANAGING CONTACT
DIFFICULTIES:
A CHILD-CENTRED APPROACH**

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Managing Contact Difficulties: A Child-Centred Approach

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EXECUTIVE SUMMARY

Introduction

Maintaining relationships that benefit children in the post-divorce family is challenging. In some situations, relationship difficulties begin long before the separation. In other families, children are caught in the unfolding drama between their parents. The quantity, rather than the quality, of contact can become the paramount issue for parents. Alienating behaviours are sometimes subtle and a parent might be unaware of the impact on the child. While these behaviours cannot be attributed to a single cause, they are always harmful to children. In more extreme situations, the parenting skills of both parents are compromised. Problems arising with child-parent relationships after divorce are increasingly referred to in the literature as contact difficulties.

The goal of child-parent contact is to provide children with opportunities to develop successful relationships with both parents. Arrangements should reflect the child's individual needs and assist in de-escalating parent conflict. The genesis and dynamics of contact difficulties are complex. Understanding them requires careful consideration of children's behaviours and reactions, the parents and the situation within which the post-divorce family is created. Parenting plan decisions, and in particular the child's residential schedule, often become a source of conflict for parents. In some cases, minimal or non-existent child-parent relationships represent an abandonment of the child by a parent. Contact difficulties can also be a reflection of a child's reluctance to spend time with a parent. In other situations, ongoing parent conflict interferes with the family's ability to support successful child-parent relationships. For some parents, the adversarial nature of the litigation process creates contact difficulties.

Purpose

This paper examines the utility of parental alienation syndrome (PAS) and other formulations that have been proposed to explain alienation. Drawing on a literature review and consultation with key informants in Canada and abroad, the authors put forward several critical questions concerning contact difficulties. The paper discusses how contact benefits children, factors that influence contact, the child's experience of contact, prevalence of difficulties and variables related to undermining and obstructing child-parent relationships. The implications for managing contact difficulties are also presented, along with possible directions for a child-centred response to contact difficulties.

Findings from the Literature Review and Key Informant Interviews

The term parental alienation syndrome was first introduced by Richard Gardner in 1985 to describe contact difficulties that he argued combined parental programming with the child's own scenarios of denigration of the allegedly hated parent. In 1993, Janet Johnston proposed that the child's contribution to the difficulties required consideration as well. In 2001, Joan Kelly and Janet Johnston reformulated Johnston's earlier model to highlight the perspective of the alienated child in the explanation of contact difficulties and design of possible interventions. There is considerable debate among professionals as to which of these formulations—Gardner, or Kelly and Johnston—and case management responses reflects children's best interests. The media has drawn attention to difficult contact cases by profiling contentious situations with professional opinions that have not been subjected to acceptable methods of scientific research.

Many practitioners argue that Gardner's terminology raises the stakes in the confrontation between parents. The authors found little support for Gardner's contention that alienating behaviours meet the evidentiary criteria to be considered a syndrome for diagnostic purposes. More recently, there has been a growing trend in the literature to identify the behaviours that influence parents' post-divorce relationships. This conceptualization is viewed as useful because it provides a foundation for interventions designed to improve relationships that benefit children.

There is a wide range of child-parent relationships post-divorce. The evidence concerning prevalence of alienating behaviours within the divorcing population is anecdotal, but suggests that there are a growing number of these cases. This increase can be attributed to improved diagnosis, availability of information for parents, greater understanding of the legal system, the increased emphasis on ordering and enforcing child support obligations and recovering arrears, and the role of the media. Preliminary research indicates that mothers and fathers are equally likely to engage in alienating and obstructive behaviour.

The authors did not find research concerning outcome evaluation of specific interventions. Research studies that focus on alienation are exploratory in nature and rely on descriptive statistics and correlations between variables. They have inherent methodological difficulties, ranging from small sample sizes and biased sampling techniques, to non-independent information sources, inadequate sample descriptions, lack of control groups and inconsistency in definition and measurement across studies.

Given the spectrum of parenting relationships after divorce and the diversity of family situations, the literature review and key informant interviews indicated that a one-size fits all solution is unrealistic. A range of strategies for addressing contact difficulties is required. Low conflict parents will benefit from parent education focussing on children's needs and from learning effective communication and conflict resolution strategies. For many high-conflict parents, mental health interventions coupled with the authority of the court may be an effective strategy for building post-divorce relationships. This approach provides an opportunity to address the frustration parents experience when the system does not acknowledge their point of view. Early intervention and case management within the legal system is essential because the more entrenched the parents' positions and the child's responses become, the more difficult it is to resolve contact difficulties. The authority of the court, through the judge or a designate, such as a parenting coordinator, is required to hold parents accountable for their behaviour. Systemic issues such as lengthy waits for court dates and frequent adjournments exacerbate contact difficulties.

Parents often have unattainable expectations of the legal system. Consistently non-adversarial representation would help parents to understand the limitations of the process and the probable outcomes of court hearings. It would also help them to make informed decisions about their dispute resolution options. Court orders need to be clear, detailing what is expected of both parents.

Differences of opinion exist in the literature as to management strategies when an allegation has been made. There is also a lack of consensus about the preferred contact plan when an allegation is substantiated. Unless the child is at risk, the complete severing of contact is rarely in the child's best interest because there may be other aspects of the relationship that are worth

preserving. Modified forms of contact such as supervised contacts or letters and telephone calls may need to be considered.

A Child-Centred Approach for Reducing Contact Difficulties

Based on the literature review and consultation with key informants, the authors identified a number of strategies for addressing contact difficulties. National educational initiatives provide access to information that can assist parents in exercising their parenting responsibilities in a way that benefits their children. Educational initiatives also have the potential to influence others who play a significant role in the lives of children, such as extended family, educators and physicians.

There are few up-to-date publications for Canadian children and youth. Technology provides many possibilities for creating websites, videos and posters that can be displayed in schools and community centres. These are examples of convenient, cost-effective and youth-friendly ways to reach young Canadians.

A child-centred approach to contact difficulties would be strengthened if professionals had specialized training to increase their understanding of contact difficulties, the variables that contribute to the escalation of difficulties and ethical dilemmas that can arise. Training to ensure confidentiality in the context of resolving contact difficulties is also required.

An independent unbiased strategy for soliciting the child's point of view is required. Socio-legal interventions provide a way for the child's perspective to be considered. Allowing children and young people to speak out through such means as oral and written communication, gives them both a voice in their own affairs and the chance to learn the importance of constructive participation in society. The Unified Family Court (UFC) concept, implemented in some Canadian jurisdictions, provides an important model for managing difficult contact cases. Predictability is critical for this group of families. Ancillary services typically connected to or utilized by the UFCs provide a venue for conducting the type of assessment required in difficult contact cases. The specialized function of UFCs helps to encourage the collaboration that is essential for successful case management.

Specialized services staffed by trained and experienced providers help to ensure resolution of contact difficulties and to maintain ongoing contact between children and parents. Examples of other important services are supervised transfers, contact centres, parenting coordinators and therapy for children and parents. Transfers of children should not have to occur at the police station.

Research is urgently required to increase our understanding of strategies to support the child-parent relationship. Multi-disciplinary expert meetings could provide a forum for building a research agenda and discussing evidence-based practice. Creating a Centre of Excellence that conducts research, offers training, provides policy advice and acts as a clearinghouse for information would support the government's stated goal of providing a Child-centred Family Justice Strategy.

Despite the challenge presented by contact difficulties, there are numerous policy and practice initiatives that can be implemented to address the concerns of stakeholders and further the impact of Canada's Child-centred Family Justice Strategy.

1.0 INTRODUCTION

1.1 BACKGROUND

The number of Canadian families experiencing divorce,¹ like those in comparable jurisdictions (Australia, New Zealand, the United Kingdom and the United States),² has increased dramatically since the 1970s (Furstenburg, 1990; Nicholson, 2002b; Statistics Canada, 2002a, 2002b; The Vanier Institute of the Family, 2000). Researchers have directed considerable attention to studying the impact of divorce on children (Emery and Kelly, 2002; Emery, 1994; Freeman, 1995; Gold, 1992; Hetherington, 2002; Kalter, 1990; Kelly, 2000; Wallerstein and Kelly, 1985; Wallerstein et al., 2000). Several important themes emerge from three decades of research dedicated to understanding and ameliorating the impact of divorce on children. Three variables, in particular, are mentioned frequently as contributing to child outcome: ongoing parental conflict, parenting capacities and the development of a positive post-divorce child-parent relationship.

The focus on children's needs has influenced the clinical and legal course of cases in Canada (Cossman and Mykitiuk, 1998; Freeman, 1998). Current federal and provincial legislation directs that the standard for decision-making about children in post-divorce families is the best interests of the child. However, Smith and Gollop (2001: 30) suggest that "... while 'the best interests of the child' have always been a consideration in the aftermath of divorce in legal contexts, these have almost always been strongly dominated by professional assumptions about what is good or bad for children..." Social science research findings, such as those noted above, undoubtedly influenced the 1986 revisions to the *Divorce Act*. For example, Section 16 states that "... a child of the marriage should have as much contact with each spouse as is consistent with the best interests of the child and, for that purpose [the Court], shall take into consideration the willingness of the person for whom custody is sought to facilitate such contact" (Government of Canada, 1986). This is often referred to as the principle of maximum contact.

Despite legislative changes and the increased depth of understanding about the impact of parental divorce on children, divorce-related litigation continues. Cossman (2001: 183) reminds us that "... no amount of law reform can eliminate all the conflict for separating and divorcing parents". For example, changes to Australia's family law legislation have created challenges as parents and courts try to attain the vision of continuing parental responsibility, while reducing conflicts arising between divorcing parents. Maintaining ongoing contact has frequently exposed children to increased parental conflict (Sheehan, 2000).

Although the importance of the child-parent relationship for children's well-being is generally accepted, building and supporting relationships that benefit children is generally difficult in the post-divorce family. The problems that arise with post-divorce child-parent relationships are increasingly referred to in the literature as contact difficulties.³ Some authors argue that despite

¹ For simplicity, in this paper divorce is synonymous with separation. The term is used to mean parents living apart rather than the parents' legal status. From the child's perspective, the fact that parents no longer live together is more significant than the actual legal status.

² These countries are considered to have an approach to family law similar to that of Canada.

³ The Glossary provides an explanation of contact as well as other terms used in this paper.

the importance of this relationship, there may be situations in which continued contact may not benefit children (Hewitt, 1996). For example, if a child's physical or psychological safety cannot be assured, supervised contact might be appropriate. The identification and management of contact difficulties frequently involves service providers, lawyers and the courts. Since 1975, a substantial literature has developed in this area. The debate about contact difficulties has become polarized as authors and lobby groups articulate their respective positions. Well-intentioned legal or service responses often reflect the prevailing rhetoric in the popular and professional literature, and do not always adequately reflect children's best interests.

1.2 SCOPE OF THIS PROJECT

The terms "parental alienation" and "parental alienation syndrome" are increasingly being used in litigation (Williams, 2001). Consequently, the Department of Justice requested that the authors provide a critical appraisal of this literature to determine whether parental alienation is a useful and generally accepted concept. Given the emphasis the Government of Canada is placing on its newly announced Child-centred Family Justice Strategy (Department of Justice, 2002; Government of Canada, 2002), we were also asked to provide information about evidence-based service responses that reflect children's best interests.

Our initial review of the literature suggested that there is a spectrum of child-parent relationship difficulties in the post-divorce family. Alienation represents only one aspect of the complex nature of post-divorce relationships. It is usually an extreme form of ongoing hostility between estranged parents. When children become alienated from a parent, the hostility they feel is often reflected in severe and long-lasting opposition toward that parent. As a result, the Department of Justice agreed to extend its original request to encompass what we are referring to as contact difficulties. We believe that contact difficulties are a phenomenon that provides a more comprehensive picture of the issues for children and ways of meeting their needs.

1.2.1 What Are Contact Difficulties?

The term contact difficulties encompasses more than just alienation and alienating behaviours; rather it represents any negative change in the child-parent relationship following divorce. Contact difficulties are considered to occur in situations when the occasions during which a child and parent see or speak with each other are less frequent or less satisfactory after the parents have separated than before. The dynamics of contact difficulties are complex, and require careful consideration of factors related to the child, his or her parents and the situation within which they build the post-divorce family. In some cases, minimal or non-existent child-parent relationships represent abandonment of the child by a parent. Contact difficulties can also be a reflection of a child's reluctance to spend time with a parent. Ongoing parental conflict can interfere with the family's ability to support successful child-parent relationships. Stoltz and Ney (2002) point out that systemic issues such as litigation and adversarial conflict resolution processes can also create and perpetuate contact difficulties.

1.2.2 Objectives of the Paper

This background paper discusses critical issues pertaining to contact difficulties. In particular, we examine the concept frequently referred to as parental alienation (PA) or parental alienation syndrome (PAS). We summarize contemporary professional thinking and research about children's needs and child-parent contact difficulties in the post-divorce family. As part of this broader discussion, we also summarize current understanding of the term parental alienation, whether there is agreement as to definition and the effect of these labels on a child's relationship with his or her parents.

Chapter 1 describes the methodology utilized to review the literature and survey key informants. Chapter 2 discusses significant questions pertaining to contact difficulties, including how contact benefits or creates risk for children, factors that influence contact, the child's perspective about contact, prevalence of contact difficulties and the major formulations for understanding contact difficulties (Gardner, 1992; Johnston, 1993 and Kelly and Johnston, 2001). Chapter 2 also considers some of the criticisms of these formulations. Research concerning alienation is summarized in Chapter 3. Chapter 4 discusses the implications of a child-centred response to contact difficulties and potential policy directions for a child-centred family justice system. Concluding comments are presented in Chapter 5.

1.3 METHODOLOGY

There has been considerable debate as to the sources of difficulties in child-parent relationships in the post-divorce family, the terminology used to describe difficult relationships, and the appropriate clinical and legal responses. Birks (1998: 15) notes that "...there do seem to be fashions for theories, and sometimes prevailing theories seem to conflict with each other". We did not approach our task with any preconceived definition of PAS, nor did we have a position as to whether it meets the evidentiary requirements of generally accepted international diagnostic classification systems. Rather, we used the extensive literature search and key informant interviews to gather definitions for review and consideration.

Building on an earlier literature review conducted by one of the current authors (Freeman, 1998), we surveyed books and major refereed journals in law and the social sciences from 1995 onwards. Key words used in this search included: children and divorce, parental alienation, alienation, alignments, custody, access and visitation. An Internet search using the key words alienation, parental alienation and parental alienation syndrome was also undertaken using search engines such as Metacrawler and Google.

Our preference is to use language that is respectful of children and their relationships with parents. However, to ensure an accurate representation of source material, we have reflected the language used in the original source when referring to an author's work. For example, Wallerstein's (1985) terminology of the "visiting relationship" is used in our discussion of her work. We use the term "non-custodial" parent in dealing with the work of Racusin et al. (1994). Gardner's terminology of "target parent" and "alienating parent" is used when discussing his work.

Our initial review of the literature suggested that research concerning PAS was limited. Since it is not uncommon for new research to take up to two years to appear in a refereed publication, a

consultation with key informants in law and the social sciences was undertaken to complement the literature review. In addition to Canadian informants, the consultation process included key informants in four other jurisdictions: the United States, Australia, New Zealand and the United Kingdom. Appendix A lists the key informants. Using purposeful sampling, we contacted prominent researchers, mediators, academics and practitioners from legal and mental health disciplines. The process also provided an opportunity for capturing more recent information about clinical, research and legal perspectives about the issue. Appendix B summarizes the published definitions collected during the literature review process.

During the interviews (refer to Appendix C), we provided an opportunity for key informants to tell us how they defined the concept of PAS, and to provide us with their thoughts on the prevalence of contact difficulties, reasons for why contact difficulties are present to different degrees in families and factors that could be used to predict contact difficulties. We were interested in their ideas about whether a child's age influenced difficulties, how violence or abuse history have an impact on relationships and the role of extended family or other interested parties. We discussed the utility of the concept of PAS, whether it can be considered a syndrome and the success of particular legal and clinical interventions. The extent to which the child's voice was included in the identification and resolution of difficulties was also discussed. Possible directions for policy and practice were elicited along with ideas for future research.

2.0 CRITICAL QUESTIONS ABOUT CONTACT DIFFICULTIES

Drawing from the literature and key informants, we identified critical issues that influence the development of contact difficulties in the post-divorce family. These are described in the following section. First, we provide the historical context for contact difficulties in the literature. Second, we discuss how contact with parents benefits or harms children and the child's perspective about contact difficulties. Building on this foundation, we examine factors that contribute to contact difficulties, the prevalence of such difficulties, the relevance of the concept of parental alienation syndrome (PAS), and whether there is evidence to support the concept of alienation. A review of the major formulations of contact difficulties follows.

2.1 CONTACT DIFFICULTIES IN THE LITERATURE

The first reference to child-parent contact difficulties in the literature appears to be attributed to Reich who wrote in 1949 about parents seeking revenge on their partner by robbing them of pleasure in their children (Warshak, 2000a). In 1980, Wallerstein and Kelly referred to contact difficulties when they described the emotional pain that fathers experienced at transfer time. They speculated that this factor contributed to fathers disappearing from children's lives. In 1985, Gardner introduced the term parental alienation syndrome when he described contact difficulties as situations "... in which the parental programming is *combined with* the child's own scenarios of denigration of the allegedly hated parent" (1992: 62). Since Gardner's 1985 reference to parental alienation syndrome, a growing literature concerning the terminology, and its usefulness for understanding contact difficulties, has emerged in the divorce literature and the media⁴. The terms parental alienation and parental alienation syndrome are often used interchangeably.

Concurrent with Gardner's writing about alienation, Johnston and other researchers have focussed on how ongoing parental conflict influences child adjustment in the post-divorce family (Baris et al., 2001; Gold, 1992; Johnston, in press; Johnston, 1993; Johnston and Campbell, 1988; Johnston and Roseby, 1997). Drawing from Ahrons' (1981) work on relationships between parents, we have come to understand that there are varying degrees of conflict between parents post-divorce. The challenges that family change creates influence the quality of this relationship. Parenting plan decisions, and in particular, the child's residential schedule, can become a source of conflict for parents (Johnston and Campbell, 1988) and contribute to the formation of child-parent alienation. Clinical experience has taught us that there is also a continuum of child-parent relationships, ranging from close to non-existent.

⁴ Two dominant formulations are described in the literature (Gardner, 1992; Kelly and Johnston, 2001) and discussed in detail in this chapter. Other writers (Baris, et al., 2001; Birks, 1998; Blaikie, 2001; Boshier, 2001; Cartwright, 1993; Darnall, 1998; Hobbs, 2002; Kopetski, 1998; Lowenstein, 1998; Mercer and Kline Pruett, 2001; Pam and Pearson, 1998; Rand, 1997; Rybicki, undated; Turkat, 1997) discuss aspects of the Gardner or Kelly and Johnston formulations.

2.2 CHILD-PARENT CONTACT

2.2.1 Does Contact Benefit Children?

Given the diversity of family situations, no definitive conclusions can be drawn from the literature concerning the benefits of contact. Children repeatedly say that ongoing parental conflict has a negative impact on their relationship with one or both parents (Families in Transition, 1998; Freeman and Freeman, 2001; Lyon et al., 1998; Pruett and Pruett, 1999; Smart and Neal, 2000; Smith and Gollop, 2001; Sturge and Glaser, 2000). Smart and Neal (2000) explored children's ideas about parental divorce. The children in their highly revealing study (which, in our opinion, merits further research) emphasized that the quality of the child-parent relationship and type of parenting style were more important than the actual contact arrangements. Children, they concluded, want parents who will care for them, talk to them, protect them from conflict and are flexible regarding arrangements.

Wallerstein (1985: 43) comments that "the emotional importance to children of their relationships with both parents does not become any less following divorce". However, as Hewitt (1996) notes, in some divorcing families the child's contact with parents seems to become the paramount issue. The resolution of contact issues often overrides the principle of *best interests of the child*. Hawthorne et al. (2002) reviewed studies of children's perspectives about family change. They report that one important theme in the data collected from children is their distress over the loss of day-to-day contact with a parent who leaves. In their study, children who retained good relations with both parents reported that they coped well, in contrast to children who did not retain good relationships with both parents. Hawthorne et al. suggest that the nature of the child-parent relationship is a critical predictor for longer-term well-being. For children, contact can provide continuity for loving relationships, a means of sharing knowledge and information, appropriate role models, stability, an enriched experience of family life, protection and enhancement of self-esteem, opportunities for repairing problematic relationships and for reality testing (Hewitt, 1996; Sturge and Glaser, 2000).

On the other hand, ongoing contact may not always be in the child's best interest. Examples of such situations include unreliable non-residential parents, the child's continued exposure to ongoing parental conflict and hostility, child abuse and the perpetuation of power struggles between the parents. Women's advocates have also suggested that ongoing contact between children and non-residential parents may pose safety concerns for victims of woman abuse and for child witnesses (Landau, 1995).

2.2.2 What Influences Child-Parent Contact?

Child-related variables that influence contact are age at time of separation, current developmental stage, and the degree to which the child perceives contact as interfering with his/her activities and routines (Smart, 2002). Parent-related variables include nature and extent of the parents' pre-separation relationship, their ability to resolve issues of loss and grief, substance abuse, degree of enmeshment with child, mental health problems, and father's social class, income, and employment status (Simpson et al., 1995). Situational variables include mutuality of decision to separate, nature and history (legal status or formality) of the union prior to separation, length of separation, conflict resolution ability, geography, relocation, presence of new partners, litigation and influence of extended family and friends.

Within this constellation of possible influences, unresolved conflict between parents is frequently noted as a critical influencing factor, particularly when the conflict focusses on views about caring for the child. Hawthorne et al. (2002) suggest that when this is the case, the potential for the erosion of the child-parent relationship increases. Smith and Gollop (2001: 23) note that "...conflict before, during and after separation is likely to exacerbate problems...and that quality rather than quantity of contact is the most important factor" (refer also to Baris et al., 2001; Hawthorne et al, 2002; Johnston and Campbell, 1988; Johnston and Roseby, 1997; Pryor and Rodgers, 2001). Nevertheless, as Hewitt (1996: 370) states, "In both clinical and legal arenas, we are faced with people who seem more obsessed about the quantum and the mechanics of contact, rather than its quality".

King and Heard (1999: 393) investigated the relationship between child well-being and the mother's satisfaction with contact, parental conflict about contact and quality of contact. They note that a child's contact with a non-residential parent is "... interrelated to levels of satisfaction and conflict but not in a simple or linear way". They report that even when there was conflict between parents, mothers' satisfaction with contact may still be high. However, there is "... a subset of mothers who are satisfied when fathers are pretty much out of the picture. Indeed, a variety of family types exist, and they differ considerably in demographics and family processes" (King and Heard, 1999: 394). In their sample, the children who represented the most worrisome picture were the 10 percent whose mothers were dissatisfied with the contacts.

Some conflict between parents is to be expected, regardless of whether they live together or apart. Children can benefit from exposure to successful conflict resolution and observing parents who resolve differences.

2.3 WHAT IS THE CHILD'S PERSPECTIVE ABOUT CONTACT?

In our clinical practices, we observe that children feel caught in the unfolding drama between their parents. Loyalty conflicts emerge. Wallerstein and Kelly (1985: 77) comment that the children in their studies "...were particularly vulnerable to being swept up into the anger of one parent against the other. They were faithful and valuable battle allies in efforts to hurt the other parent. Not infrequently, they turned on the parent they had loved and been very close to prior to the marital separation". Smith and Gollop's (2001: 29) research demonstrated that "... children are indeed competent social actors who reflect and devise their own ideas and strategies for coping with family life after their parents separate ... their views are worth listening to".

From the child's perspective, contact becomes the "...transfer of a relationship into a timetabled obligation" (Nicholson, 2002a: 4). Ongoing conflict between parents is problematic for children and they are able to identify the association between conflict and relationship (Freeman and Freeman, 2001). Parent influence explains only some child reactions. Racusin et al. (1994: 800) conclude that children who refuse to spend time with a non-residential parent experience "... a broader range of problems than those related directly to not visiting their non-custodial parents". There may be justification for the child's reluctance (i.e. fear or dislike of a parent, history of abuse). The child's response may be developmentally influenced. It may represent an important coping strategy for a child trying to make sense of the family changes, ensure a parent's continuing love or pursue a reconciliation fantasy by manipulating circumstances to try and reunite his or her parents. Children who experience difficult contacts can become confused and

uncertain as to which parent's story to believe (Johnston, 1993; Lewis and Sammons, 1999; McDonough and Bartha, 1999; Warshak, 2002).

...I don't want to go see Dad every other weekend. It's not that I don't like him; we just don't like the same things... When I got older, I realized they could make me go, but they couldn't make me be cooperative (child quoted by Lewis and Sammons, 1999: 236).

2.4 CONTACT DIFFICULTIES AND ALIENATION

Developing successful relationships that benefit children after divorce is a challenge for most families. Kelly (2000) indicates that mothers' and fathers' reports about contact frequently differ, making it more difficult to understand accurately the nature of difficulties encountered. Furthermore, what Wallerstein (1985) terms the *visiting relationship* has no counterpart in families where parents live together. She suggests that there is insufficient recognition of the difficulties inherent in building successful relationships and supports for children and parents post-divorce.

Nicholson (2002a) argues that the stakeholders' perspective influences the definition of a contact difficulty. For example, one parent may interpret contact difficulties as interference in their freedom to parent. The other parent may feel deprived of a consistent capacity to enjoy their child and litigates to maintain the relationship by way of improving contact. Quoting Rhoades, Nicholson (2002a: 21) states: "many enforcement disputes involve relationship rather than contact issues".

Contact difficulties in post-divorce child-parent relationships include a broad range of child responses and parent behaviours (refer to 2.4.1 and 2.4.5). It is unlikely that the cause can be attributed to any one variable.

During the 1990s a significant literature developed in the area of contact difficulties, primarily focussing on one aspect—that of alienation as defined by Gardner (1992). Media reports have tended to exploit the more dramatic and serious child-parent contact difficulties. Readers are often left with the impression that contact difficulties, and alienation in particular, is present in most divorcing families.

2.4.1 How Do Children React?

When contact difficulties occur, children's reactions vary, ranging from aggression to withdrawal and depression. Children may appear insecure, reluctant to express affection and experience difficulty with academic work or peer relationships. Older children may be more rebellious; sometimes they may become involved in substance abuse (Stahl, 2000). Some children experience emotional pain, appear lonely, lack a connection to one parent and have a distorted view of reality (Gould, 1998).

Racusin et al. (1994: 799) reported that children who refused to spend time with a non-residential parent tended to be the oldest child or the oldest child still living at home. This group of children was also more likely to "... have at least one parent with evidence of significant functional impairment or psychopathology". In their sample, girls were more likely than boys to be what they termed "refusers". Smart and Neal's data (2000: 167) indicates that when children were

expected to spend time with a parent who demonstrated little concern for them, they found ways to reduce contact time.

The child's response is not always an accurate reflection of thoughts and feelings about parents. For example, some participants in the Youth Consultation on the Divorce Act reported telling a parent, social worker, or legal counsel what they thought that person wanted to hear (Freeman and Freeman, 2001). Wallerstein and Kelly (1985) point out that loyalty conflicts are particularly characteristic of school age children.

Some children seem able to resist alienation from parents regardless of how intense the campaign of denigration (Warshak, 2002). However, a child's refusal to spend time with a non-residential parent post-divorce can also represent "... an extreme on the continuum of children's attempts to cope with the aftermath of family disruption" (Racusin et al., 1994: 793). Children may openly express hatred and dislike for one parent. Others may refuse to speak with or spend time with one parent. Their hatred of the rejected parent can be relentless. According to Thayer and Zimmerman (2001), children demonstrate little or no evidence of guilt or upset about these behaviours. Their explanations seem repetitious and may appear rehearsed. Their beliefs seem to become enmeshed with that of the parent with whom they live. They describe events in a restricted and absolute manner. They are often well-informed about "parent business" and will repeat this information. Ney and Blank (in preparation: 3) point out the dilemma for the child when they write that "the only person expected to straddle the conflict, to remain neutral and to tolerate the tensions, but the one with the least capacity to do so, is the child".

Williams (1990) concluded that the worst situations involve a parent abandoning a child. In such circumstances, the child may become depressed and even suicidal. Self-esteem is affected and mistrust may develop. This can lead to difficulties in forming adult relationships because the child has limited opportunities to experience healthy models for relationships, a theme noted by Wallerstein et al. (2000).

2.4.2 What is Parental Alienation?

Gardner introduced the terms parental alienation and parental alienation syndrome in 1985 to describe a pattern of *programming* and *brainwashing*. In 1992 he argued that when PAS was present, the alienating parent, usually a residential mother, engaged in an active but unjustified campaign of denigration against the other parent. He labelled the latter parent, usually a non-residential father, the "target parent". His definition is based predominately on the behaviours or characteristics of the alienating parent. He emphasizes that "... the term is applicable *only* when the parent has not exhibited anything close to the degree of alienating behavior that might warrant the campaign of denigration exhibited by the child" (Gardner, 1992: xviii). This pattern of behaviour contributes to contact difficulties.

Gardner also points out that PAS is often confused with actual abuse and that they are different presentations. However, according to Gardner, both presentations involve one person inducing a psychiatric disturbance in a more suggestible person. In 1992 he stated that PAS is an excellent example of *folie à deux* (refer to the Glossary).

2.4.3 How Prevalent is Alienation?

Ongoing debate about children's relationships in the post-divorce family in both the professional and popular literature frequently focusses on the subpopulation of children who experience contact difficulties. Conflict is present in many divorces involving children. The degree of conflict varies, although, the more extreme end of the conflict continuum represents a smaller subpopulation of divorces. Estimates of the size of this group of families range from 10 percent (King and Heard, 1999; Rybicki, 2001) to 20 percent (Ahrons, 1994; Hetherington, 1989; Johnston and Campbell, 1988; Maccoby and Mnookin, 1992). It should be noted however, that conflict is not necessarily predictive of contact difficulties.

At this time we only have estimates in the divorcing population of the prevalence of alienating behaviours by which one parent tries to manipulate the child to oppose the other parent. A majority of key informants suggested there has been an increase in the number of cases in which alienating behaviours are a factor. The subgroup that engages in alienating behaviours was estimated to be not more than two percent of the high-conflict subgroup, representing a relatively small proportion of divorcing families. In many divorcing families there may be innocuous behaviours on the part of one or both parents that, depending on the circumstances, lead to an undermining and obstruction of the child-parent relationship.

Most key informants thought that an increasing number of cases were coming to the attention of mental health professionals and the legal system. It was unclear whether the apparent increase reflected a higher incidence of the problem, or more attention being given to the issue and better diagnostic ability on the part of professionals. Some informants speculated that the availability of information through the Internet and various lobby groups has resulted in increased sophistication with respect to understanding the legal system. Consequently, more parents might be requesting help in difficult contact situations. Informants thought that the rising prevalence of alienation might also reflect the increased emphasis in most jurisdictions on ordering and enforcing child support obligations and recovering arrears.

Key informants suggested that the media has played a critical role in the debate about terminology such as parental alienation. The print media often describes dramatic situations and polarized points of view. One is often left with the impression that this occurs in the majority of divorcing families. Several key informants suggested that the estranged parent often does not understand the complexity of the issues, is frustrated with the situation and the system, and simply "wants the child produced".

2.4.4 What is the Relationship Between Contact Difficulties and Alienation?

Difficult relationships, as Garrity and Baris (1994) note, may be established long before the separation. Clinicians and researchers often label contact difficulties as parental alienation or parental alienation syndrome. The media's use of the term parental alienation has resulted in parents defining a wide range of contact difficulties as parental alienation. Appendix B outlines the definitions of parental alienation and parental alienation syndrome that we found in the literature. This summary illustrates that there is variation in definition and that authors have not clearly differentiated parental alienation from parental alienation syndrome. Professionals appear to use this terminology in more extreme situations of alienating behaviours. In our clinical practices, we apply the terms to a spectrum of behaviours.

2.4.5 What Other Variables are Related to Alienation?

The behaviours that comprise a pattern of alienation are subtle and the parent might be unaware of the impact on the child. In extreme cases, the alienating behaviours are more obvious. Several key informants stressed that sometimes a pattern of alienation occurs when a parent reacts to the child's report of a situation or conversation with the other parent. Informants stressed the important role that child temperament can play in these situations. Others emphasized that children hear comments or criticisms about a parent as criticism of themselves. They may feel responsible for the identified parent behaviour. Several informants identified the underlying theme of these cases as trying to prove who is the better parent. There was total agreement among key informants that alienating behaviours are always harmful to children.

Several informants suggested that when alienation occurs, the parenting skills of both parents are compromised. In other situations, parents might have been marginally adequate caretakers when they lived together but, as single parents, their parenting capacity is inadequate.

Researchers suggest that parents engaging in alienating behaviours often exhibit a range of behaviours. The cumulative effect of such behaviours, according to McDonough and Bartha (1999), negatively influences the child's relationship with parents. Alienating behaviours include:

- Dependency (on former partner, new partner or child);
- Rigidity, self centeredness, lack of responsibility, high level of suspicion and criticism;
- High degree of anger;
- Believing that children benefit from being raised without the influence of the other parent;
- Placing restrictions on a former partner or correcting the other parent's parenting;
- Failing to protect children from conflict;
- Encouraging children to assume their point of view or forcing children to choose between parents
- Causing the child to feel guilty for loving the other parent;
- Redefining normal differences between parents in terms of "right" or "wrong";
- Increasing involvement of the child in "parent" business;
- Encouraging the child to covertly gather information about the other parent;
- Generalizing from one or two incidents to a more global evaluation;
- Interfering with the child's residential schedule (i.e. child not available or returned late);

- Increased likelihood of the child being exposed to conflict and/or violence;
- Threats of or actual allegations (sexual, physical or emotional abuse) of the child; or
- Threats of or actual abduction of the child.

(Darnall, 1998; Garrity and Baris, 1994; Gold, 1992; Holman and Irvine, 2002; Lewis and Sammons, 1999; McDonough and Bartha, 1999; Price and Pioske, 1994; Samenow, 2002; Stahl, 2000; Thayer and Zimmerman, 2001; Turkat, 1997; Waldron and Joanis, 1996; Willbourne and Cull, 1997.)

2.4.6 Is Parental Alienation Involved in Abuse Allegations?

Allegations of child abuse (sexual or physical abuse) are not uncommon when contact difficulties occur (Bala et al., 2001). Berns (2001) suggests that for some divorcing parents, allegations and counter-allegations are a tactic in the litigation process. Allegations may be unsubstantiated, unfounded or founded (refer to Glossary). Penfold (1995) concluded that two percent of post-divorce disputes involve allegations of sexual abuse. Research in this area is inconclusive and fraught with methodological problems (Bala, 2002). The incidence of unfounded or false allegations ranges from 8 to 50 percent (Garrity and Baris, 1994; Penfold, 1995).

Key informants viewed malicious or unfounded allegations of physical or sexual abuse as an example of alienating behaviour. There was a high degree of support for thorough investigation of allegations of physical or sexual abuse. False allegations were described as a type of alienating behaviour, particularly those that were vague (i.e. “There might have been physical abuse.”) In such situations, informants pointed out that children were subjected to unnecessary psychological and/or physical examinations.

Regardless of veracity, these allegations are always distressing for parents and challenging for professionals (Bala, 2002). The observed characteristics of parents making allegations are: controlling, retaliatory, undermining, obstructive, competitive, over-reactive, denigrating, blaming, exaggerating unfavourable traits, threatening, distorting, attacking the other parent’s lifestyle, and rejecting positive experiences. Regardless of the precipitating factor, unfounded allegations create a scenario in which resolution of differences between parents is more difficult.

Sheehan (2000) suggests that balancing the child’s right to contact with both parents with the right to be safe from damaging family conflict is hardest when there is an abuse allegation or domestic violence. Allegations frequently distort the process and children can easily become victims (Mason, 1999). Jaffe et al. (1990) and Jaffe and Geffner (1998) outline the special issues that need to be taken into consideration when allegations occur:

- Child safety;
- Risk for the child and the parents;
- Impact of the allegation on the child and the alleged perpetrator;

- The child’s developmental needs;
- Parenting ability and capacity; and the
- Need for supervised or suspended contact during the investigation.

They point out that when allegations are made, it is critical that practitioners are well-informed and have training in these specialized issues. Services provided by the court also need to be well-coordinated.

2.4.7 Is Parental Alienation Useful as a Concept?

There is a growing trend in the literature to identify the parent behaviours that influence post-divorce relationships. This tendency was also confirmed by our consultation process. A parent may focus on obstructing the child’s relationship with the other parent by interfering with time or failing to make the child available (Holman and Irvine, 2002). Undermining and obstructing behaviours contribute to alienation. This conceptualization is viewed as more useful than labels such as parental alienation syndrome (PAS) because it provides a foundation for constructing interventions designed to improve and support relationships that benefit children.

The use of labels and terminology such as PAS raises the stakes in the confrontation between parents. This terminology was seen by our informants as a “convenient” label and not particularly helpful for promoting a resolution of differences in the child’s best interests. On the contrary, it contributes to a process that usually fails to take account of the child’s needs and wishes. The debate about this terminology was viewed as accentuating the problem and creating what was termed “toxic conflict.” The issue of terminology is discussed in detail in Section 2.6.1 below. Key informants in Australia and the United Kingdom noted that their systems now use language such as *residence* and *contact* rather than *custody* and *access*, which are viewed as contentious legal terms denoting parental rights.

Whether PAS is even a syndrome is itself controversial. The discourse in the literature has been concerned with whether it can be considered a distinct disorder, if not all children with a similar history and parenting influences develop PAS. Johnston (2001) notes that according to guidelines recommended by recognized professional organizations such as the American Psychological Association, PAS cannot be considered a syndrome because it has no common recognized symptoms that have been empirically verified. According to Johnston, the pathogenesis, course, familial pattern and intervention of PAS have not been adequately charted—making it impossible at this time to conclude that it is a syndrome.

Regardless of country and discipline, our key informants had similar views about PAS as a syndrome. Many remarked that parents, lawyers and mental health professionals tend to explain anything and everything that transpires in high-conflict separations by using these labels. We found no support for PAS among our key informants. For some families the process and the “fight” were seen to be more important than the children were. PAS was considered by some to be the “diagnosis du jour” with respect to divorcing families.

Gould (1998) states that whether or not one can definitively establish parental alienation as a syndrome is less useful than describing parents’ behaviours and children’s responses. Several

key informants also made this point. They argued that in clinical practice this terminology proves to be an unhelpful generalization or an over-simplification of the issues facing children and parents.

Most key informants said that they observe alienating behaviours in a certain proportion of cases that come to their attention. They remarked on the impact on children and their resulting estrangement from parents. The notion that the phenomenon exists on a continuum was emphasized. In the more extreme cases, parents are often unable to cooperate on any level. They are more likely to use the child as a weapon in their dispute with the other parent. The ongoing conflict usually influences other areas of functioning and relationships.

Another problem associated with the concept of PAS is the issue of cultural differences. Several key informants conjectured that what are often conveniently labelled as alienating behaviours might have a different meaning in other cultures. With increasing diversity in countries such as Canada, successful interventions require an understanding of the cultural context of parent behaviours.

2.5 WHAT ARE THE MAJOR FORMULATIONS OF CONTACT DIFFICULTIES?

The literature concerning contact difficulties has grown exponentially since 1985. Two formulations for understanding difficult post-divorce contact between children and parents dominate the literature and are described below (Gardner, 1992; Johnston, 1993; Johnston and Kelly, 2001). Stoltz and Ney (2002) extended the Kelly and Johnston formulation to consider multiple contributing factors. More recently, Ney and Blank (in preparation) argue that both formulations (Gardner, and Kelly and Johnston) are embedded in a medical or legal perspective. They conclude that resolution of conflict is more difficult when one perspective is given more weight than other perspectives.

Each formulation (Gardner, and Kelly and Johnston) leads to recommendations for intervention with children and parents. Yet there is a dearth of scientifically sound and valid research in this area of practice. Bruch (2001: 550) reminds us to proceed cautiously, “Lawyers, judges, and mental health professionals who deal with child custody issues should think carefully and respond judiciously when claims based on either theory [Gardner or Kelly and Johnston] are advanced.”

Richard Gardner (1992), and Janet Johnston and Joan Kelly (2001) have proposed two different formulations for conceptualizing and addressing contact difficulties. They are described below, along with related contributions by other authors.

2.5.1 Gardner

Gardner (1992: xviii) stresses that parents who alienate a child from the other parent perpetrate “a form of *emotional abuse*” because the child is denied a loving relationship with one parent. Furthermore, he argues that alienation induces lifelong psychiatric disturbance in the child. His definition is included in Appendix B.

Gardner (1992) also suggests that in some cases the parent may use the child’s internal state (e.g. temperament) to contribute to or promote the alienation. Such factors include:

- Maintenance of the primary psychological bond;
- Fear of disruption of the primary psychological bond;
- Reaction formation;
- Identification with the aggressor;
- Identification with an idealized person;
- Release of hostility;
- Infectiousness of emotions; and,
- Sexual rivalry.

Over the years, Gardner has refined and amended both his original definition and his comments about the gender of alienating parents (2001a, 2001d, 1999a, 1999c, undated b, undated c, undated d). The major shifts that have occurred in his thinking take account of conscious as well as subconscious and unconscious factors within the alienating parent that influence the child's alienation from the other parent.

More recently, Gardner expanded the definition to take account of factors within the child or the situation that may contribute to the presentation. These factors, he suggests, operate independently of the alienating parent's contribution. He explains that:

The disorder refers to a situation in which the parental programming is combined with the child's own scenarios of denigration of the allegedly hated parent. Were we to be dealing here simply with parental indoctrination, I would have probably stuck with brainwashing and/or programming (Gardner, 1992: xvii).

He argues that it is the *exaggeration* of minor weaknesses and deficiencies of the alienated parent that is indicative of PAS (2002, 2001b, 2001d, 2001e).

Gardner (1992) attributes the following characteristics and reactions to children who experience alienation:

- Engage in a campaign of denigration;
- Obsessed with the "hatred" of one parent;
- Weak, frivolous or absurd rationalizations for the deprecation;
- Lack of ambivalence and guilt about this campaign;
- Reflexive support of the loved parent in parental conflict;

- Presence of “borrowed” scenarios; and the
- Animosity extending to friends and/or extended family of the alienated parent.

Gardner speculates (1992: 62) that two factors have caused an apparent increase in the incidence of parental alienation: the shift from the concept of *tender years doctrine* to *best interests of the child*, and the increasing popularity of shared parenting arrangements. He suggests that these factors result in more litigation and competition between parents and argues that mothers perceive their bond with the child as threatened because courts look to other factors than the mothers’ traditional nurturing role when making parenting plans and schedule decisions for children— “... these changes have placed women at a disadvantage in custody disputes”. Consequently, some parents adopt parental alienation as a strategy to help ensure victory in litigation. He also comments that “... when a sex-abuse accusation emerges in the context of a PAS—especially after the failure of a series of exclusionary manoeuvres—the accusation is far more likely to be false than true” (1998: xxvii).

In 1992, Gardner argued that the vast majority of “programmers” are mothers and estimated they are responsible for ninety percent of cases of alienation. Since that time, his position about gender has changed and he notes that “... in the last few years I have seen a shift that has brought the ratio now to 50/50” (Gardner, 2000: 442).

According to Gardner, PAS can be mild, moderate, or severe. These distinctions are linked to guidelines for contact and type of intervention (1992, 1998a, 1998b, 1999b, 1999c, 2001b, 2001c, undated c). He recommends that courts base their parenting plan decisions on the “... stronger-healthy-psychological-bond presumption” (1992: 263). This presumption reflects a three step process involving preference for the parent with whom the child has the stronger psychological bond, preference for the primary caretaker during the child’s early years, and recognition that the psychological bond can change over time and be less important for older children.

Gardner has a clear position about forcing contact. He states that court orders with respect to contact are not required for alienation judged to be in the mild category. If litigation regarding custody ceases, he believes the alienating behaviour is reduced and the children become asymptomatic. He argues that for moderate cases, parents need threats and sanctions if they fail to honour the child’s schedule. However, he points out that programming parents are “notoriously uncooperative”. Admonishments and requests to “cease and desist”, in Gardner’s opinion (1992), are ineffective and court orders are required. When cases fall into the severe category “... custodial transfer is the only hope for the children if there is to be any alleviation of their PAS symptomatology” (1992: 64). Contact between the programming parent and child, according to Gardner, should be prohibited for a period of time to allow the child to adjust. Eventually, contact should gradually resume. In an address to members of the Family Law Bar in Toronto in May 2000, Gardner also stated that when children continue to refuse to spend time with a parent, hospitalization or incarceration of the child might be appropriate.

2.5.2. Johnston

Johnston (1993: 111) took issue with Gardner's formulation because it fails to differentiate between alienation and a child's reluctance to spend time with a parent. She stated that:

Reluctance to visit includes a broad range of observable behaviour in which the child, for any reason, verbally or gesturally complains about and resists spending time with the nonresidential parent. The resistance may be manifest only at the time of transition or it may involve intermittent or ongoing complaints about visits. In extreme cases, it can encompass a complete refusal to have contact with the other parent...the child may or may not be hostile or negative to the parent...in extreme cases there is often expressed fear and negativity...Parent-child alignment and parent-child alienation are defined as the child's making an overt or covert attitudinal or behavioural preference for one parent and, to varying degrees, denigrating and rejecting the other parent...[it] involves a negative, conflictual, or avoidant relationship between the child and the rejected parent...in extreme cases of strong alignment with the residential parent the child usually refuses to spend time with the nonresidential alienated parent.

Johnston believes that resistance to contact is a complex phenomenon that has its "... origins in diverse and multiple psychological, developmental, and family system factors" (1993: 133). Drawing on samples from research she and Linda Campbell conducted with low and middle income high-conflict families (Johnston and Campbell, 1988) and children from upper income high-conflict families (1993), Johnston noted that approximately forty five percent of the children had formed an alignment with one parent. She identified six explanations for a child's alignment and reluctance or refusal to spend time with a non-residential parent. However, she indicates (1993: 132) that the findings are tentative and their interpretation speculative because they are "... based on simple correlations and clinical observations from relatively small samples of high-conflict divorcing families". In more recent work (in press), she states that the first two explanations are developmentally normal responses unrelated to pathology in either parent or the child, the next three are related to pathological family processes, and the sixth explanation is a tertiary or systemic process.

Johnston's first explanation for resistance to contact is a child's basic anxiety about separating from the primary attachment figure, especially when parents are overtly conflictual with one another. Johnston observed that the child's anxiety was heightened when there was ongoing conflict and overt aggression between the parents. She also noted that many of the parents were:

... ambivalent or skeptical of the value of visitation, especially when the child was symptomatic and resistant at transitions; these parents were not well suited to soothing the child and making the child feel safe and competent in handling the changes (1993: 118).

She concluded that these children were not significantly disturbed and their resistance was a developmentally explainable divorce-specific separation anxiety.

Second, the child's limited cognitive capacity to be aware of both parents' opposing viewpoints and feelings may result in an alignment that becomes the resolution of painful loyalty conflicts. She reports a significant proportion of children were not able to separate themselves from the

parental conflict and that boys were more likely to be symptomatic than girls were. Third, the intensity and longevity of parental disputes may result in the children developing alignments as a defensive mechanism to cope with the ongoing conflict.

A fourth explanation involves the child's inability to extricate his or her feelings and ideas from those of the distressed residential parent. She points out that this group of children tends to reflect whatever the parent needs in an attempt to ensure their own needs are met. They may become vigilant and highly attuned to the alienating parent. Consequently, there is limited opportunity to experience feelings and ideas separate from this parent. Their concern for this parent often makes it difficult for them to leave the residential parent to spend time with the other parent.

The fifth factor is exposure to emotional abuse and physical violence between parents. Johnston (1993: 129) notes that an alignment may be rooted in "... early, barely remembered trauma of domestic violence". In some cases, these children did not feel it was safe to leave the residential parent (mother), their home, or pets. Other children in this group:

... entered into a state of folie à deux with an abused mother, with a narcissistically injured father, or with a paranoid parent, a state in which reality, fears, and fantasies about the excluded parent were inextricably entwined for the aligned parent and child (1993: 129).

The sixth explanation is the child's sense of counter-rejection and retaliation by the rejected parent and his or her social network. Johnston points out that rejected parents become hurt and sometimes outraged by the child's response. Attempts to assert their parental position or pursue the child by letter and telephone are usually unsuccessful. These strategies usually lead to more avoidance on the child's part. The alliance, according to Johnston, is intensified because the child is hypersensitive to and hurt by counter-rejection. From a clinical perspective, she concludes that the child is confused and overwhelmed by guilty feelings and wishes to be rescued from the "intolerable dilemma". The child's behaviour continually tests the depth of concern of the rejected parent.

2.5.3 Kelly and Johnston

Kelly and Johnston (2001: 251) reformulated Johnston's earlier concept of the alienated child. They defined the alienated child as one who "... expresses, freely and persistently, unreasonable negative feelings and beliefs (such as anger, hatred, rejection, and/or fear) toward a parent that are significantly disproportionate to the child's actual experience with that parent". They suggest that a reformulation to an objective and neutral focus will make it easier to distinguish between an alienated child and one who resists visitation.

Their model views the child-parent relationship on a continuum ranging from positive relationships with both parents to a progressively stronger alignment with the residential parent. The other end of their continuum is complete alienation from the non-residential parent. The extent to which the estrangement from a non-residential parent is realistic decreases as one moves along the continuum.

Kelly and Johnston (2001: 254) argue that effective diagnosis and intervention is based on a systems framework that takes into account "... the multiple and interrelated factors influencing the child's response during and after separation". Their model includes other factors that contribute to the alienation, such as parental attitudes and behaviours, in addition to developmental or cognitive factors within the child. Reasonable and unproblematic child responses are explained by factors such as the child's age and stage of development and ongoing conflict between parents. Reasonable but problematic child responses (at the more extreme end of the continuum) are explained by factors such as child abuse, the dynamics of separation, parenting capacity and angry, rigid, and restrictive parenting styles. They point out that even when a child does not meet the criteria to be considered alienated, many of these factors may be present. If this is the case, the potential to be considered alienated in the future must be considered.

According to Kelly and Johnston, the risk factors that predict alienation are:

- Triangulation of the child in intense marital conflict;
- Separation experienced as deep humiliation;
- Highly conflicted divorce and litigation; and,
- Conscious and unconscious contributions of new partners, extended family and professionals.

They also identify the range of behaviours common to both alienating and rejected parents. According to Kelly and Johnston (2001), the alienating parent has extremely negative views of the rejected parent and maintains a deep distrust and fear of his or her former partner. The alienating parent does not believe that the child needs the other parent and may interfere with contact. In more extreme cases this parent will also remove references to the rejected parent. These parents argue that the child should have the right to make decisions about schedule issues. The rejected parent is viewed as a danger to the child and is often seen as never having cared for the child. Kelly and Johnston maintain that empirical research and clinical observation support their conviction that there is significant pathology and anger within the alienating parent.

Rejected parents contribute to the alienation, however their behaviours "... do not by themselves warrant the disproportionately angry response of the child nor the refusal to have contact" (Kelly and Johnston: 258). Their parenting capacity, usually within the normative range, may be compromised by one or more of the following factors: the ongoing high conflict between parents, counter-rejection of the alienated child, a rigid and harsh parenting style or immaturity exaggerated by the ongoing conflict, attribution of new meaning to their behaviour and diminished empathy for the aligned child.

Age and cognitive capacity, the extent to which the child views the divorce as abandonment, and temperament and personality vulnerabilities, moderate a child's response to alienation. Other parent-child relationship factors may also explain the child's response. These can include the child's dependence on the aligned parent, reliance on alienation as a coping strategy or attempts to "rescue" a vulnerable parent. Kelly and Johnston argue that a history of infrequent or no contact with the rejected parent increases child vulnerability. When contact is interrupted, a

child has little or no opportunity to evaluate her assessment of the rejected parent. They also suggest that supervised contacts often implemented during abuse investigations reinforce the child's belief that the rejected parent presents a danger. The child's vulnerability is further increased if they are emotionally isolated and have limited access to external resources (i.e. therapists or significant others.) Kelly and Johnston identify the similarity between their observations of the clinical presentation of this group of children and that of Gardner (1992) and Wallerstein (1985).

In summary, Kelly and Johnston recommend that the complexity of these cases require:

... a full assessment to understand the multiple determined factors and influences leading to the children's abrupt rejection of a previously acceptable and meaningful relationship. Each of these influences has there [sic] own particular weight and significance for a particular child in a particular family. No one factor produces the alienated child (Kelly and Johnston, 2001: 264).

They argue (Kelly and Johnston, 2001: 264) that only a "full understanding of this pathological development in the parent-child relationships" leads "to an effective plan and structure for legal, judicial, and therapeutic interventions directed at resolving the profound alienation of the child from the parent."

2.5.4 Stoltz and Ney

Stoltz and Ney (2002: 222) extended the Kelly and Johnston (2001) reformulation of the alienated child. They take issue with how Kelly and Johnston explained children's reasonable and unreasonable responses to alienation and state:

These would be reasonable criteria for assessment if it were not for the failure to continue to take into account other powerful contextual factors. What we are suggesting is that the responses seen as unreasonable are also reasonable, adaptive responses when considered in context and that the failure to see them as such has serious implications.

They propose that excluding the context in which the child's response occurs creates a flawed understanding of the dynamics unfolding in the post-divorce family.

Stoltz and Ney (2002: 36) prefer the term resistance to visitation. Resistance:

...includes the broad continuum of behaviors of all parties involved (parents, children, lawyers, family, professionals, etc.), ranging from (for example) voiced complaints, to repeated incidences of lateness in dropping the child off, to a child's refusal to go with the noncustodial parent, and so on.

Their objective in reframing the problem as one of resistance is to focus attention on the dynamic, as opposed to the individuals. Stoltz and Ney (2002: 227) argue that this reformulation allows for other contributing factors to be considered, including "... the adversarial influence of the legal system and the possibility that professional intervention (e.g. psychological assessment) can be interpreted through the legal framework and perceived as threatening, thereby adding to resistance".

Stoltz and Ney hypothesize that if divorce were managed in a less adversarial manner, there would be little resistance to visitation. Working from the revised formulation of resistance, they propose a number of practice implications, including the need for:

- Openness and clarification of expectations regarding compliance with court orders regarding the child's schedule;
- Ongoing assessment on a case-by-case basis of the dynamic nature of the system as part of intervention;
- Education of the parties about the resistance dynamic, the relationship between threat and resistance, and the importance of building trust;
- Recognition that parents and children are the experts on the dynamic and need to be part of a collaborative approach for assessing and resolving the difficulties;
- Professionals to engage in reflective practice to minimize the likelihood of contributing to the dynamic;
- Focussing interventions on the goal of reducing resistance and increasing trust;
- Research and dialogue concerning the spontaneous paradox of compelling a loving and healthy child-parent relationship; and,
- Further investigation of the correlation between an adversarial divorce process and a child's resistance to visitation.

2.5.5 Related Work

Other authors have based assessment and intervention recommendations on the concept of alienation and have attempted to extend Gardner's formulation.

Lund (1995) provides a therapist's view of mediation. She suggests that alienation is usually reflective of high parental conflict and psychopathology in both parents. She broadens Gardner's framework for understanding these families in order to move away from a blame-based formulation and to consider viable treatment options. Lund, like Johnston (1993), proposes several possible explanations for parent rejection, such as developmentally normal separation problems, deficits in the non-custodial parent's skills, oppositional behaviour on the part of the child, high parent conflict, serious relationship difficulties (excluding abuse) and child abuse. She acknowledges the possible contribution of extended family and support systems. Like Gardner, she believes that the presence of alienation is determined by "... the extent to which a child is consciously or unconsciously being programmed" (Lund, 1995: 311). Based on this formulation, Lund calls for strong direction from the court to manage these cases. Intervention recommendations are predicated upon a team approach that includes parent-child sessions, individual therapy for parents, mediation to resolve conflict and communication between therapists working with the family.

Darnall (1998) seems to accept Gardner's conceptualization of alienation, but distinguishes between the concept and the syndrome. His definition is included in Appendix B. In summary, he suggests that alienation is any constellation of behaviours that disturb the relationship between a child and one parent. One of his contributions to this area of practice is his categorization of alienating parents as "naïve", "active" or "obsessed".

2.6 CRITIQUE OF DOMINANT FORMULATIONS

The debate about parental alienation syndrome (PAS) in the literature has tended to focus on four issues:

- Appropriateness of the terminology;
- Derivation and definition of the concept;
- Evidentiary criteria for diagnostic and legal purposes; and,
- Clinical and legal remedies.

2.6.1 Terminology

Since the early 1990s, debate has occurred as to whether the concept of alienation and PAS exist. There is considerable scepticism. Many clinicians, and certainly the majority of key informants, view the terminology as moralizing and victimizing (Etemad, 1997). Johnston (2001: 2) believes this terminology is an attempt to medicalize the symptoms. In her opinion "... the term PAS does not add any information that would enlighten the court, the clinician, or their clients". Freckleton and Selby (2002: I-3420) echo this perspective. They suggest that Gardner's terminology draws on the legacy of rape, battered women and child sexual abuse. They state:

The misleading pseudo-scientific patina of objectivity and reliability provided by the word "syndrome" appears not to be justified...it may well be that the disadvantages of focus upon the scientific standing of parental alienation syndrome may be such as to make its reception unhelpful or even counterproductive (2002: I-3420).

As part of this debate, numerous authors suggest that contact problems exist, but that the terminology is not useful. For example, Sturge and Glaser (2000) suggest the term "implacable hostility" would be more helpful. They argue that using the label of PAS assumes a cause that leads to a proscribed intervention. However, in their opinion, the complexity of situations and differences between families require a variety of interventions. Use of terminology such as PAS is generally viewed as pathologizing and creating a focus on power and control issues. It does not promote positive outcomes for children or increase the likelihood of successful intervention.

Some of those who support the concept suggest that the difficulty is the use of the word "syndrome" (Hayward, 1999). Others, such as Turkat (1997), differentiate within the formulation of PAS. For example, he argues there may be acute interference that does not involve a systematic or devious plan. There may be direct, as well as indirect, PAS.

Some key informants suggested that the terminology of PAS was appealing to parents and practitioners seeking easy explanations for complex situations, but that the labels do not adequately capture the nuances of the situation. At the present time, these labels simply elevate alienating behaviours to a quasi-clinical status and draw attention away from what is really happening to the child. Several informants noted that Gardner has stated there might be other factors that explain these situations. They stressed the need for objective clinical judgements to ensure decision-making takes into account a variety of factors (child's age and stage of development, the co-parenting relationship, the non-parental relationship between the adults, parenting capacity and mental health issues).

The terminology issue is part of a much larger debate about language within the context of family change. Mahony's (2001: 5) challenge in this regard is timely. He writes "... the language in our legislation relating to guardianship, custody and access and the way in which terms are defined, need to be brought into line with current ways of thinking about children's rights and interests with corresponding parental responsibilities".

2.6.2 Conceptualization

In addition to concerns about the utility of terminology such as PAS, there is significant criticism of Gardner's formulation. Bruch (2001) argues that Gardner overstates the prevalence of PAS, fails to recognize predictable post-divorce behaviour and confounds a child's developmentally related reactions with psychosis. Bruch (2001: 550) states that "PAS as developed and purveyed by Richard Gardner has neither a logical nor scientific basis. It is rejected by responsible social scientists and lacks solid grounding in psychological theory or research". Others suggest his research methods and techniques lack reliability and validity, and have not been subjected to peer review. They also note that his books are self-published (Freckelton and Selby, 2002; Ziorgiannis, 2001). Supporters of Gardner's formulation and terminology acknowledge its value, but recognize the weaknesses of the conceptualization (Etemad, 1997), including its weak presentation of data, moralizing tone, creation of a "good parent/bad parent" scenario and inadequate empirical support.

Several types of concerns about Gardner's formulation are identified in the literature. These focus on its:

- Limited understanding about the prevalence of the concept in divorcing families, the process by which alienation is created, predictors of alienation and child outcomes;
- Suggestion of stature and legitimacy without the benefit of objective, quantitative research;
- Lack of objective literature reviews of the formulation and empirical support in peer-reviewed journals;
- Inappropriateness of labeling alienation a syndrome;
- Oversimplification of etiology of symptoms by focussing on the alienating parent
- Limited consideration of alternative explanations for the child and/or parent's behaviour; and,

- Failure to consider the veracity of abuse allegations or the possibility of incorrect findings related to abuse allegations.

Other concerns relate to:

- Misuse of terms by parents and professionals, particularly in litigation, and doubt as to whether the concept meets either the Frye or Daubert/Kumho (refer to Glossary) standards for admissibility of evidence;
- Difficulty in refuting Gardner’s formulation because it is true only by his definition; and,
- Conflicting “expert” opinion about these concepts.⁵

(Bruch, 2001; Etemad, 1994; Faller, 1998; Freckleton and Selby, 2002; Johnston, 2001; Peralta-Vaughn, 2001; Rybicki, 2001; Smith and Coukos, 1997; Waldron and Joanis, 1996; Warshak, 2000a; Warshak, 2000b).

In general, Johnston (1993) and Kelly and Johnston’s (2001) formulations have been more favourably received. Warshak (2000a) questions how changing the terminology to that of the alienated child helps to ensure more accurate identification of alienation in divorcing families. The Johnston and Kelly terminology, he asserts, is ambiguous, although he acknowledges that they are working to clarify the terminology in their model. He argues that Johnston and Kelly confuse estrangement and alienation. Warshak proposes that the Johnston and Kelly formulation is more similar to Gardner’s than it is different with respect to parent behaviours and child responses. However, according to Warshak, Kelly and Johnston recognize the contribution of children, and to a much lesser extent, that of the parent who is alienated.

Gould (1998: 172) comments that whether one “... can definitively establish a “syndrome” or not is less important than the task of helping divorced families heal” and the task of establishing “... a fact pattern of systematic negative influence by one parent upon a child that interferes significantly with that child’s ability to form a healthy bond with the other parent”. Johnston (2001: 2) concurs, stating that children and parents “... would be better served by a more specific description of the child’s behavior in the context of his family”.

2.6.3 Evidentiary Criteria

As of this writing, PAS is not included in either the American Psychiatric Association’s (2000) diagnostic manual (DSM-IV-TR), except perhaps under the general condition of “Parent-Child Relational Problem.” There is no consensus in the mental health literature with regard to the terminology of PAS, either as to whether the concept meets the evidentiary requirements to be considered a syndrome or as to the most effective ways of intervening with the subgroup of post-divorce families who experience contact difficulties.

Warshak (2002) argues that there is an important need to clarify terminology to reduce the incidence of misdiagnosis, and he points out that it is accepted practice for social scientists to use

⁵ This is particularly true given Gardner’s view that PAS is an example of folie à deux (refer to Glossary) and the American Psychiatric Association’s conclusion that such diagnoses are rare.

clinical records and observation as a first step in drawing attention to new phenomena. Definitions develop over time based on repeated observations drawn from multiple data sources. Ultimately, the conceptualization that emerges from clinical reports is investigated with larger samples, standardized measures and control groups. The research is normally subjected to rigorous peer review in order for conclusions to be accepted by mental health practitioners (Warshak, 2000a).

Laing (1999) pointed out that a number of people who provided evidence to the Special Joint Parliamentary Committee on Child Custody and Access in Canada referred to clinical syndromes (PAS being one) that have not been subjected to the generally accepted research criteria to which Warshak refers. Cartwright (1993) counters this type of criticism by suggesting that as the phenomenon becomes better understood, it will be redefined. Gardner has, in fact, revised his model several times since 1985. Nevertheless, there is an absence of research with respect to Gardner's concept of PAS.

Recently, authors have addressed the difficulties inherent in utilizing syndrome evidence and clinical and scientific innovations in litigation (Birks, 1998; Freckleton and Selby, 2002; Williams, 2001). Williams, referring to work by Myers, notes that in part these difficulties reflect a lack of direction in the legal literature concerning how to define and use novel psychological evidence.

Williams (2001: 278) points out that the Supreme Courts in Canada and the United States recently addressed a critical question: What are the principles that trial judges should use to determine the admissibility of expert evidence? He argues that the concept of alienation:

... faces considerable difficulty if examined critically with respect to principles of admissibility. Courts have been less than vigilant in exercising their "gatekeeper" role. The admissibility of Parental Alienation Syndrome and/or Parental Alienation should not be benignly taken for granted.

Warshak (2000a) suggests these terms tend to be applied indiscriminately and regardless of the reasons for difficulties. PAS, he believes, is the "effect" of parent behaviour (Warshak, 2002).

Hayward (1999) comments that alienation allegations can be an effective legal device for fathers. Most authorities express concern about how the concept of alienation is used in litigation due to the limited research in this area (Johnston, in press) and its inherent methodological constraints (Zirogiannis, 2001). Johnston (2001) considers PAS a "fashionable legal strategy." Others think it is introduced to deflect attention from dangerous behaviour such as domestic violence (Bruch, 2001; Smith and Coukos, 1997). On the other hand, Warshak (2000a) contends that labels such as PAS direct our attention to ensuring that strategies for alleviating the problem will be considered. Johnston (2001) suggests that the label PAS creates gender politics and pits fathers against mothers. She argues that the media exploits this tension.

Bruch (2001: 537) conducted an electronic search for reported cases in the United States between 1985 and February 2001 that utilized the term "parental alienation," and reported that:

... numerous mental health professionals in addition to Gardner who [sic] have testified that PAS was present, although far fewer were willing to recommend that custody be

transferred and contact with the primary custodian be terminated...The degree to which PAS has been invoked by expert witnesses, attorneys, or judges in these cases and the almost total absence of inquiries into its scientific validity is profoundly disturbing.

Mahony (2001) addresses Bruch's concern when he reminds us of the importance of focussing parenting plan discussions on children.

2.6.4 Remedies

Gardner's formulation is reflected in the remedies he recommends for mild, moderate or severe alienation (refer to Section 2.5.1). Darnall (1998), working with Gardner's formulation, proposes other remedies, including compensating time when there is interference in the child's schedule, contempt findings and incarceration for the alienating parent. He supports Gardner's proposal that in the most severe cases, decision-making authority should be shifted to the other parent. Mason (1999) expresses concern about how the child would interpret such action. Concern is also raised about Gardner's preference for a single therapist as opposed to a team approach (Etemad, 1997).

Many researchers and clinicians reject Gardner's remedies and label them radical, punitive and limiting the potential for a meaningful relationship (Bruch, 2001; Freckleton and Selby, 2002; Johnston, 2001; Murray, 1999). Wall et al. (2002: 90) note that testimony received from the Children and Family Court Advisory Service during a United Kingdom consultation process suggests that when intervention fails to bring about change in these situations "attempting to facilitate some form of indirect contact is more appropriate than resorting to fines or imprisonment." Johnston (2001: 15) argues that these types of coercive court interventions:

... like fines, imprisonment, change of custody, and enforced visitation—have a dim prognosis for transforming family relationships. In fact they can serve to entrench the family disputes and embitter children and youth into long-standing resistance and contempt for the legal system and its associated professionals.

Wall et al. (2002: 97) took a strong position on this issue: "... fines and committal are not only crude methods of enforcement; they are wholly inadequate as a means of addressing the problem".

Warshak (2000a) notes that both the Gardner and the Kelly and Johnston models are based on clinical experience, find support in the literature, but lack empirical research. The primary difference, he suggests, is in the proposed interventions. Bruch (2001: 543) agrees that their work represents improved science, but she believes they "... go beyond their data as they craft recommendations for extended, coercive, highly intrusive judicial interventions". She raises several objections. First, she queries the implicit assumption that all serious interpersonal difficulties can be remedied by a mental health intervention. The Kelly and Johnston proposal, Bruch argues, treats post-divorce parenting more intrusively and in her opinion leads to the growth of a "divorce industry" for professionals.

Bruch's concern reflects Wallerstein et al.'s (2000) suggestion that because alignments are transitory, what they term "over zealous" interventions are inappropriate. Bruch asserts that Kelly and Johnston have not fully considered all the assumptions involved in the roles taken by

courts and mental health professionals when there are parenting plan disputes or contact difficulties. She raises other important questions about the Kelly and Johnston formulation and intervention recommendations, including whether:

- They exceed the intent and scope of current legislation;
- The financial costs involved in litigation and intervention penalize less affluent parents;
- The best interests of children can be served without judicial intervention; and,
- The consensual or non-consensual nature of judicial order is respected.

3.0 RESEARCH CONCERNING CONTACT DIFFICULTIES

In addition to the work of Gardner, and Kelly and Johnston, there is a substantial literature concerning the concept of alienation. But, due to the paucity of empirical research in the area, we located few studies that examined alienation using objective standards. If there are currently other studies underway, to the best of our knowledge they have not been submitted for publication at this time. We did not find research pertaining to interventions that address contact difficulties or outcome evaluation related to specific interventions; we believe that research is needed in this area.

For the most part, the studies about alienation are exploratory in nature and rely on descriptive statistics and correlations between variables. They have inherent methodological difficulties ranging from small sample sizes and biased sampling techniques to non-independent information sources, inadequate sample descriptions, lack of control groups, and inconsistency across studies in definition and measurement. Despite their limitations, these studies represent an important beginning for increasing our understanding of contact difficulties.

Clawar and Rivlin (1991) studied 700 families over a twelve-year period. They described ways that parents “programmed” or “brainwashed” children and the children’s wish for the behaviours to end. They also noted discrepancies between the children’s opinions, and wishes and behaviours.

Based on Gardner’s diagnostic criteria, Dunne and Hedrick (1994) conducted a qualitative analysis of 16 cases of severe alienation. In three of these cases, custody was changed—an intervention deemed “successful in eradicating the alienation”. In the other 13 cases, therapeutic intervention and/or a guardian ad litem were used. The alienation was “somewhat improved” in only two of these cases. In another two cases, the alienation was considered “worse,” and in the remainder of the sample, “no different” after intervention.

Lampel (1996) profiled the psychological attributes of parents and child-parent relationships in a sample of 44 families with at least one school-aged child involved in custody evaluation. In this sample, 41 percent of the children were aligned with one parent. Both parents of children in the aligned group were found to be more rigid, naively defended, and less emotive than the parents of non-aligned children. Lampel concluded that aligned children expressed a preference for the more empathic, outgoing and problem-solving parent. Aligned children were also more overtly angry and less able to conceptualize complex problems. They were also seen to be more self-confident, perhaps because they were less troubled by loyalty conflicts.

Kopetski (1998) identified the familial and personality characteristics that contribute to alienation in a sample of 413 court-ordered custody evaluations. In 84 of these cases, she considered the alienation to be severe (based on Gardner’s criteria). The familial and personality characteristics identified include: personality disorder, defending against psychological pain by externalizing, abnormal grieving, and family of origin difficulties such as ambivalence and conflict about parents, enmeshment and failure to differentiate or emancipate from a parent or family culture in which ‘splitting’ or externalizing predominates. Other possible factors are unresolved or unacknowledged grief resulting from traumatic losses, severe but unacknowledged emotional deprivation, or parents who were favoured as children, overly indulged or idealized.

3.1 RECENT STUDIES

3.1.1 Berns

Berns (2001) investigated the incidence of allegations of alienation in unreported court cases. She surveyed a range of family law professionals and reviewed unreported court cases (between January 1995 and March 2001) in Queensland, Australia. Berns' research objectives included:

- Learning more about the incidence of alienation in litigation;
- Understanding what the allegation was based on;
- Determining ways in which the allegation was gender based; and,
- Tracing the impact on the administration of family law.

Each case was compared to Gardner's criteria for PAS with special emphasis on persistent denigration of the target parent. If the criteria were met, the case was classified as mild, moderate or severe. Berns indicated that inter-rater reliability for the classification was established, although she did not provide details.

In her sample of 31 cases, fathers were allegedly the alienating parent in 14 cases and mothers in 17 cases. In the latter group, allegations were substantiated in 9 of the 17 cases. In 8 of the 17 cases, fathers' allegations were in response to mothers' allegations of sexual abuse. Domestic violence was a variable in three of these cases and mothers were seeking supervised contact or no contact. Berns attempts to draw patterns with respect to key variables from the qualitative analysis, but the small sample size precludes useful conclusions.

In the 14 cases where fathers were allegedly the alienating parent, all allegations were substantiated. In six of these cases, Berns reports that fathers made extensive and ongoing allegations of physical abuse and neglect that could not be substantiated when investigated. In all cases children remained or were returned to their mothers' homes. In another four cases there were persistent reports to child protective services. Berns notes that the reports increased as the allegations were rejected. Again, the small sample size limited her ability to draw useful conclusions about patterns of behaviour.

With respect to her first research question, Berns notes that alienation allegations represent a small proportion of divorces involving children. She concluded that alienation is not a gendered phenomenon because allegations against mothers were as common as allegations against fathers. It is interesting to note that in all cases where mothers alleged alienation, children lived with fathers or had extensive contact with fathers. On the basis of the findings regarding alienating fathers, she speculates they may use an allegation of alienation as a tactic in the litigation process. She also notes that men were more likely to allege alienation.

Data collected during a pilot project prior to the main study suggested that unrepresented parents were more likely to allege alienation. Berns notes that this group of parents tended to make allegations of sexual or physical abuse. She concludes this group of parents appears vulnerable to counter allegations of alienation and they fail to appreciate the evidentiary requirements of the

court. Allegations of alienation made by this group of fathers typically countered a mother's allegation of sexual abuse or domestic violence. PAS allegations made by this group of mothers typically countered father's allegations of neglect, physical abuse, or sexual abuse by mother's new partner. She noted that if alienation allegations countered allegations of sexual or physical abuse and they were initially rejected, the alienation allegations tended to become more extreme and implausible. The allegations also tended to be supplemented with multiple calls to authorities such as child protective services. Berns expresses concern about the children of unrepresented litigants because they were subjected to extensive investigations by child protective services. Many of these cases were unsubstantiated or rejected by the court as unfounded.

The behavioural profile of the children in these families varied. Berns reports that in seven cases, the child's profile was consistent with severe alienation according to Gardner's criteria. In two cases, the alignment was split. The data suggested that younger children were more vulnerable to developmental implications.

3.1.2 Birnbaum and Radovanovic

In a pilot study, Birnbaum and Radovanovic (1999) investigated the utility of a brief and focussed evaluation for dealing with decision-making and scheduling issues in the post-divorce family. In this model, applicable to less entrenched cases, the intervention focusses on solutions and parental responsibilities. The intervention consists of approximately ten clinical hours and differs from a more traditional assessment. Extensive background information is de-emphasized and parents focus on the present situation and what the parents have done to resolve conflicts. The important variables for formulating the intervention are the children's needs and abilities, the quality of the parent-child relationship, the co-parental relationship and parenting responsibilities. The clinicians' techniques are drawn from solution-focussed models of brief therapy and include reframing and boundary setting. They educate parents about the impact of conflict for children and children's developmental needs. They also model successful problem solving. Information about the child provided by the clinician becomes the basis for working with the parents to create a parenting plan. Unlike mediation, in this model, the clinician is not neutral.

Criteria for sample selection for this study included: the presence of parental dispute based on an allegation of contact difficulties; concern over the impact of the child's schedule on child development and adjustment; or a dispute centered on a specific aspect of parenting and/or concerns about the quality of the parent-child relationship. Cases with allegations of physical or sexual abuse, serious parental alienation (undefined), or wife abuse were referred to a more comprehensive and traditional evaluation process and excluded from the study.

Forty parents agreed to a telephone interview six to eight months after intervention. All the parents reported that, since the intervention, they had continued with the new decision-making pattern. In the majority of cases, the non-residential parent was spending more time with the child subsequent to the intervention. The majority of parents reported that the intervention was influential in resolving the dispute. While the majority of parents rated the quality of the intervention as good (78 percent), a substantial number (45 percent) reported continued problems post-intervention.

The results suggest briefer interventions can be as effective and perhaps more efficient than comprehensive and longer assessments in resolving children's scheduling disputes.

Their data indicate that the "fit" between the types of case and the intervention model was a critical factor in influencing successful dispute resolution. Contracting with parents and preparing them and their legal counsel for the services was important to the success of the intervention. Birnbaum and Radovanovic conclude that although more rigorous research is needed, the model is a useful strategy for helping less entrenched parents to resolve disputes about the child's schedule.

3.1.3 Peralta-Vaughn

Peralta-Vaughn's (2001) exploratory research was conducted in partial fulfillment of her honours thesis at the University of Arizona, supervised by Sanford Braver. Braver is a well-known divorce researcher. Peralta-Vaughn's research questions included learning more about parents' potentially alienating behaviours, possible precursors of parental alienation behaviour, implications for children's adjustment in adulthood and the possible consequences of parental alienation. She assessed alienation as "... the occurrence of parental alienation behaviors by each parent within a family unit" (2001: 26).

Her subjects were drawn from the pool of students participating in an introductory psychology course (N=644) at the university. Sixty eight per cent (N=435) of the students agreed to participate. Of the original subject pool, 189 students reported their parents were divorced and 166 of them (87.8 percent) agreed to become subjects in the study. Another 269 students were eligible to be controls (i.e. parents remained together), 212 of which (79 percent) agreed to be part of the study.

Questionnaires concerning parent behaviour were distributed to the students in both the divorce and control groups, as well as to mothers and fathers of the divorced sub-sample. Data was collected about the legal custody arrangements, physical custody arrangements, the students' academic performance, adaptation to college, intimate relationship choices and substance use.

Attorneys who attended conference presentations or training sessions provided by Peralta-Vaughn's supervisor were also invited to complete a questionnaire on their experience with alienation cases. Data (yes/no responses) were collected from the attorneys with respect to the alienator's gender, economic disputes, custody disputes, re-partnering, psychopathology of litigants, presence of an adversarial attorney, gender of the initiator of the divorce, attempted alienation and successful alienation.

Based on the reports of subjects who experienced parental divorce:

- There was no relationship between post-divorce legal custody arrangements and parents' alienating behaviours; and,
- There was a relationship between post-divorce physical custody arrangements and parents' alienating behaviours.

Peralta-Vaughn reports that mothers were more likely to engage in alienating behaviours when fathers had physical custody. This finding, as she points out, is contrary to claims in the literature that mothers appear to alienate significantly more often when they have physical custody of the child.

There was no relationship between the child's gender and the degree of alienation or the gender of the parent engaging in alienating behaviour. The child's age at the time of divorce was associated with the amount of parental alienation reported. Specifically, students in this study who were 10-11 years at the time of the divorce reported a higher incidence of parents' alienating behaviours than other subjects. This result seems to confirm Wallerstein and Kelly's (1980) comments about the increased likelihood of alignments in older school-age children. When responses from the control group were compared with those from the divorced group, the results indicated that the divorced group reported significantly more parental alienation behaviour.

Based on data from the questionnaires completed by attorneys:

- There was a positive correlation between the success of fathers' alienation attempts and sole custody litigation;
- Fathers' alienating behaviours increased when mothers re-partnered;
- The presence of serious psychopathology in a parent increased the risk of that parent engaging in alienating behaviour; and,
- Mothers' success in alienating the child was significantly increased if fathers initiated the divorce.

Peralta-Vaughn (2001: 48) indicates that her results do not appear to support Gardner's views about the gender of the alienator because "... mothers were less likely to engage in alienation when the fathers opposed the mothers for sole legal custody". She also notes that the results did not provide evidence to indicate that having a more adversarial attorney predicted alienation behaviours on the part of parents.

3.1.4 Johnston

Johnston's (in press) goal was to learn more about the individual and family factors that predict a child's rejection of a parent after divorce. Her sample of 215 children (108 girls and 107 boys ranging from 5 to 14 years at follow-up) was drawn from an archival database collected between 1981 and 1991. The potential pool of 372 families, representing 600 children 18 years or younger, was reduced by including only the oldest child in multi-child families and those children for whom there was follow-up data available. The ratings drawn from the clinical summary data were prepared prior to the current debate about alienation.

Based on the data analysis, Johnston concluded that children's responses to parents' alienating behaviours are determined by many factors, including the contributions of parents and the child's vulnerabilities. The majority of children were not aligned with either parent. The overall mean scores for rejection of a parent were low. Extreme alignment was also relatively uncommon

(8 to 9 percent of the sample). There was evidence that children whose parents litigated contact issues were more likely to be aligned with the mother and correspondingly more likely to reject the father.

Johnston identified the dynamics of situations where children reject a parent. The rejected fathers tended to lack warmth, empathy and cognitive understanding of the child's viewpoint. They were less able to communicate with children and less involved in the child's daily activities. These fathers made fewer attempts to enrich the child's life and provided less evidence of enjoying their relationship with their children. The data did not permit Johnston to determine to what extent the father's limitations might be a reaction to the child's rejection.

The mothers of children who rejected fathers were competent parents, but dependent on the child for support and approval. They tended to use the children as a support against depression and to fulfil their emotional needs. These mothers were likely to sabotage the child's relationship with the father, put the children in a messenger role or quiz the child about the father. They tended to withdraw affection or punish the child if she demonstrated affection for the father.

Johnston concludes that problem parenting and the deficits of both parents are related to their diminished social and emotional adjustment and sense of well-being post-divorce. Older children appeared more vulnerable than younger children and were more likely to reject the father. In her opinion, it is not surprising that children exhibit anxiety separating from their mother. For some of the children, she notes, the anxiety may be a developmentally normal response that is exacerbated by chronic litigation and competition for the child. There was no significant difference between boys and girls in this regard.

Mothers rejected by children appeared to be their own nemesis. Their parenting skills, such as warmth, empathy and capacity to communicate, were often lacking or compromised by the child's rejection and the ensuing dynamics. These mothers were less able to enrich the child's life and less involved in their activities. Their parenting limitations seemed linked to difficulties the mother experienced in her social and emotional adjustment. The child's anxiety at separating from the father was associated with rejection of the mother and compounded by ongoing litigation.

3.1.5 Rhoades

Rhoades (in press, personal communication) conducted a retrospective review of files with contact enforcement applications listed in 1999 for hearing before the Family Court of Australia (N=100). In a preliminary report on her findings, Nicholson (2002a) notes three important conclusions. First, there was often a misunderstanding of the nature of the obligation imposed by the court order. Second, parent education was an important strategy for intervention, particularly for the non-residential parent. Third, enforcement penalties appeared to be ineffective in improving contact between the child and a parent.

3.1.6 Trinder et al

Using a sample of 140 children from 61 families, Trinder et al. (2002) investigated the factors that contribute to viable contact. A range of techniques was used to generate a sample that included contested and uncontested contact arrangements, as well as a variety of legal

arrangements and family backgrounds (i.e. socio-economic class, ethnicity and nationality, length of parenting relationship, length of separation and gender of residential parent). The average age of the children was 11 years. Semi-structured interviews with parents covered a range of topics including the nature of the separation, expectations and wishes for contact, history and nature of contact, arranging and negotiating contact, sources of advice and support, and their evaluation of contact arrangements. Children were asked about the pattern, amount and development of contact, their feelings at different stages of the relationship, and their involvement in decision-making about contact.

The data demonstrated that there is no ideal arrangement, nor is there an ideal quantity of contact. Rather the quality of relationships between parents and between the child and each parent is the more critical variable. Analysis of the qualitative data led to four key findings.

First, Trinder et al. identified three primary types of contact arrangements: consensual committed, faltering and conflicted. Parents who kept conflict to a low level, maintained friendly relationships and supported regular child-parent contact characterized the *consensual committed* group.

The *faltering* group included those with irregular or erratic contact. One subtype of this group had court involvement and the other did not. The *conflicted* group was comprised of families with contact disputes resulting from role conflicts or differing perceptions of risk.

The second key finding was that post-divorce contact is a difficult process that places significant demands on the child and the parents. These authors point out that even in low-conflict families, there were some difficulties related to contact. The types of difficulties described by children included establishing meaningful relationships with non-residential parents, relationships with the new partner of a non-residential parent and lack of opportunity to express their point of view about contact. The difficulties noted by residential parents ranged from continuing emotional engagement with the former partner, erratic contact patterns, conflict and risk. Non-residential parents stated that the major difficulties they encountered were adjusting to contact status and insecurity about their relationship with the child, parent conflict, and logistics such as time, money or distance.

Third, Trinder et al. reported there was no single ingredient or individual responsible for making contact work. The attitudes, actions, and interactions of the child, the parents and the parenting partnership shape successful contact. Their findings suggest that the quality and quantity of contact is influenced by the interaction of many factors including the presence of new partners, finances, parenting style, relationship skills and commitment to contact.

High-quality contact that benefits children requires ongoing proactive efforts on the part of both parents in addition to the absence of major difficulties. Contact that is meaningful for children requires the commitment of both parents and an acceptance by parents of their respective role in the child's life.

Fourth, the data underscored the difficulties that parents have in finding an appropriate balance in talking with children about separation and contact arrangements. Some children are too

involved in discussions about contact. In other situations, typically the consensual subtypes, children felt their perspective had not been included.

3.17 Next Steps

Our knowledge about and management of contact difficulties would be enhanced by methodologically rigorous research⁶ that provided evidence to help answer questions such as:

- To what extent does the child's pre-divorce relationship with her parents predict the post-divorce child-parent relationship?
- What is the environment and manner in which alienation is likely to occur?
- Are there particular patterns of parent behaviours and child responses? If so, how can they be used to form the basis for more reliable diagnosis and treatment?
- Are there reliable and valid psychometric measures that can assist us in understanding complex post-divorce relationships?
- What new measures would be helpful in this regard?

While there are several suggestions in the literature about remedies for contact difficulties, there is a lack of outcome research with respect to legal and mental health intervention. Future research in this area needs to incorporate:

- Multiple data sources;
- Measurable variables;
- Quasi-experimental designs; and,
- Matched samples with control groups.

⁶ In addition to ideas culled from clinical practices and key informants, we acknowledge suggestions based on the writing of Johnston, 2001; Johnston, in press; Nicholson, 2002; Wall et al., 2002; and Warshak, 2000a.

4.0 IN CHILDREN’S BEST INTERESTS

4.1 WHAT ARE THE IMPLICATIONS FOR ACHIEVING A CHILD-CENTRED APPROACH?

Chisholm (2001: 15) states that:

When families break down, the resulting bitterness can sometimes be so overwhelming that one or both parties find themselves preoccupied by the rights and wrongs of the situation between themselves. In such cases the needs of the children can be overlooked. The children can be ignored, or embroiled in the conflict, or used as a means of attacking the other parents. It is of course these cases that are least likely to be settled between the parents. These are the sort of cases that have to be determined by the Court.

4.1.1 Principles for Managing Contact Difficulties

Sturge and Glaser (2000) advocate for the adoption of two principles to guide a child-centred approach to resolving contact difficulties. First, the purpose of child-parent contact needs to be clearly articulated along with the benefits of contact for the child. Second, contact should be related to the child’s specific needs. Key informants supported the development of contact arrangements that:

- Allow children to develop successful post-divorce relationships with both parents;
- Minimize the likelihood of parent conflict; and,
- Contribute to the de-escalation of existing conflict.

In difficult contact cases:

... the law can be involved in different ways. For the fortunate ‘easy’ families, it may play a modest part, providing a background for agreed arrangements which may or may not ever have to be written down in agreements or consent orders. For them, the law can influence outcomes. Difficult families however require adjudication, and the law provides a set of rules to be applied by the court. For these families, the law determines outcome (Chisholm, 2001: 15).

Regardless of the conflict level between parents, achieving a successful outcome in contact arrangements requires an approach that reflects collaboration between the bench, the bar and mental health professionals (Steinberg et al., 2002).

Most key informants indicated that it was unrealistic to expect parents involved in entrenched disputes to work together because such an expectation assumes that parents can act rationally at this time in their lives. When one or both parents have a new partner, it may be even more difficult for them to cooperate on behalf of their child (Warshak, 2000b). In the more entrenched cases, key informants suggested the goal of intervention is to remove the potential for further polarization of the parents.

Holman and Irvine (2002) propose a framework for guiding assessment of contact difficulties in a number of areas including history, parent characteristics, child's perspective and destructive behaviours. Their framework is used in conjunction with a series of questions that help to identify patterns of behaviour. This type of information, they suggest, will assist in deciding what type of contact will most benefit children. Depending on the circumstances, the data will help to determine whether contact should be unsupervised, supervised (either transfers or time), indirect (letters, cards, e-mail), or interrupted to ensure children are protected (Wall et al., 2002).

There was great support among key informants for the use of parenting coordinators or special masters to resolve disputes between parents. While this idea is not yet widely used in Canada, American colleagues indicate that the use of a skilled parenting coordinator can be an effective and efficient way to make child-centred contact decisions. Several informants suggested that if alienating behaviours are present, courts should order supervised contact. The majority of key informants recommended that transferring through neutral environments, such as the school, daycare, or an extra-curricular activity, is helpful for children. When this is not possible, supervision of the transfer was considered to be of critical importance.

Many key informants expressed serious concern about one of the possible remedies that has engendered debate in the literature and the media—incarceration of either children who refuse contact or parents who engage in alienating behaviours. Our New Zealand colleagues informed us that their legislation permits children who refuse contact to be incarcerated. No one could recall a case where this particular remedy had been implemented. There was no support for this remedy. The incarceration of a parent was also viewed as problematic. Several informants raised questions about how children—especially young children—would understand such a solution.

Gardner argues that in severe cases of alienation, responsibility for the child as well as the child's residence should shift from the parent who engages in the alienating behaviour to the other parent. This remedy has been tried in some jurisdictions. Anecdotal evidence from key informants suggests when this remedy is applied to cases with children ten years or older, there is minimal likelihood of success. As one key informant noted, "Children vote with their feet. If they are old enough they run, usually back to the other parent's home."

When parents are unable to reach agreement, they often turn to the court. However, it is difficult for courts to find long-term solutions for contact difficulties that reflect children's best interests (Willbourne and Cull, 1997) because legal solutions only address part of the problem (Nicholson, 2002a). Johnston and Campbell (1988) indicated that for many high-conflict parents, mental health interventions coupled with the authority of the court, can be an effective strategy for building post-divorce relationships because:

Court proceedings often undermine healing and reinforce alienating parents' principal defenses: denial of painful feelings and the tendency to blame others for their problems. If they lose the court battle, alienating parents are even less likely to build insight and to heal; they will probably be outraged by the public humiliation and the failure of the system to acknowledge their point of view (Garrity and Baris, 1994: 83).

Consequently, early intervention⁷ and case management within the legal system are essential (Johnston et al., 2001; Sullivan and Kelly, 2001). The more entrenched the parents' positions become, the more difficult it is to resolve contact difficulties (Garrity and Baris, 1994). However, as Gould (1998: 169) notes, "In an unfortunate irony, the process designed to protect the child—the deliberate, slow nature of the court system—may contribute significantly to the sturdiness of the child's belief about the target parent". This is a perspective that is receiving increasing attention (Stoltz and Ney, 2002; Ney and Blank, in preparation) because as Gould (1998: 167) remarks, "Time is the alienating parent's most powerful ally. The longer the alienating parent has direct control over the child, the greater will be the alienating influence". The longer alienating behaviours are in place, the more difficult reparative work becomes.

Many of our key informants suggested that parents often have unrealistic expectations of the legal system. Responsible non-adversarial representation would help parents to understand the limitations of the process and the probable outcomes of court hearings so that they can make informed decisions about dispute resolution options. Court orders can be useful for providing a context for therapeutic intervention and legal case management (Johnston, 2001; Johnston et al., 2001). To increase the likelihood of establishing contact arrangements in children's best interests, court orders need to provide clear and detailed expectations for parents (Nicholson, 2002a).

Blaikie (2001) argues that two groups of parents, in particular, require strong direction from the court: uncooperative and non-compliant parents, and never-married parents. In his experience, non-compliant parents require someone—usually the judge—to take charge of the situation. He reports that never-married parents appearing in his court, who had a short-term relationship or minimal relationship, may have disagreed about continuing the pregnancy. Many of the mothers in this group feel unsupported by the father during the pregnancy. In some situations, the ending of the relationship provokes an intense emotional reaction. In all of these scenarios, Blaikie argues, parents benefit from what he terms directive mediation. This process provides an opportunity to recognize the mother's fears and simultaneously allows the father to gain insight about the difficulties that led to the dispute. He cautions that in these situations, the paternal grandmother is often an unseen, but active participant in the dispute. While she may not have status in the court proceedings, she can be brought into the mediation process.

Johnston and Campbell (1988) described how professionals contribute to impasses between parents. Strict adherence to professional codes of conduct will help to ensure that disputes are avoided or resolved in a timely fashion (American Academy of Child and Adolescent Psychiatry, 1997; American Psychological Association, 1994; Association of Family and Conciliation Courts, 2000).

The implications for managing difficult contact cases and the responsibilities of professionals are significant. The Youth Consultations on the Divorce Act (Freeman and Freeman, 2001) underscored how powerless children feel when parents divorce (noted also by Smart, 2002). It is essential to create a safe way for children to have a voice in the process. Boshier (2001: 8) reminds us that the court has an important role to play in protecting vulnerable children. The

⁷ Research demonstrates that interventions introduced prior to parents living apart or early in the separation process have the potential to minimize the likelihood of contact difficulties (Freeman, 1995).

resolution of contact difficulties helps to create a situation which raises "... a child's self esteem and sense of destiny. It is this empowerment which may well have been lacking in the child's home, and which the Court must seek to redress".

4.1.2 Strategies

There are a number of important strategies that will support the management of difficult contact cases including:

- Providing ways for the child's voice to be heard;
- Using neutral assessors who have clear authority and direction from the court;
- Adopting family law rules and procedures that minimize the likelihood of delaying tactics in litigation;
- Creating continuity for children and parents by minimizing delays between assessment and intervention;
- Using the "authority of the court" to hold parents accountable for their behaviour and for ensuring schedules and transfers are respected; and,
- Providing trained and skilled professionals to assist parents in developing, implementing and monitoring a contact plan, as well as resolving differences that arise.

(Boshier, 2001; Quigley, 2000; Sullivan and Kelly, 2001; Williams, 2001).

Confidentiality is a cornerstone of professional relationships with clients. Within the context of contact difficulties, the limits of confidentiality can make it more difficult to intervene effectively in ways that benefit children. For this reason, Gardner (1992) recommends a single therapist or case manager. He argues that this strategy avoids the need for information sharing. Sullivan and Kelly (2001) and Johnston (2001) take the position that successful intervention requires a team linked to the authority of the court. Regardless of which practice perspective one adopts, it is clear that the professionals involved need to be able to share information without concern about recrimination. A written contract needs to be established at the outset. It should clearly specify who will share information with whom and why. Children, parents and professionals need to accept and abide by the contract if intervention is to have a chance of success.

Collaboration among professionals is critical for the resolution of difficult contact cases. Successful resolution of these types of cases requires professionals who are willing to practice in different ways. As Howe (2002: 482) points out "collaborative practice means that attorneys will need to represent their clients interests—not their anger." A collaborative practice model helps to ensure that the child, as well as each parent, has an opportunity to express their perspective, feel heard and learn new strategies for resolving difficulties. It allows a child's progress to be monitored and discussed, and it provides a way to hold professionals accountable for their decisions. In these newer models of practice, the judiciary, mental health professionals and lawyers become a team that supports families to develop new behaviour patterns.

Collaboration encourages “the most constructive and creative assistance of the courts, the lawyers and litigants” (Howe, 2002, 484).

Our clinical experience and data gathered during the Youth Consultation on the Divorce Act (Freeman and Freeman, 2001) point to the importance of providing children with emotional support in a neutral and psychologically safe environment. Many children benefit from talking about fears, concerns and loyalty dilemmas. Others require accurate unbiased information about their situation. Depending on the level of conflict, related circumstances, and the child’s individual vulnerabilities, therapy might be indicated. Skilled practitioners will need to draw from a variety of strategies (Clark and Moss, 2001; Morrow, 1998; Quigley, 2000; Wade and Smart, 2002) for eliciting the child’s views and experiences. This information provides the basis for structuring intervention within the context of a child-centred approach to contact difficulties.

4.1.3 Managing Allegations

As the conflict increases, one or both parents may make allegations of physical or sexual abuse. There was widespread support in the literature about the necessity for careful investigation of allegations. Key informants emphasized that the goal is to protect children and ensure that they “emerge from the ordeal with as little residual emotional damage as possible, and with more stability and security than he or she previously experienced” (Bresee et al., 1986: 569).

There are differences of opinion about guidelines for contact when an allegation has been made. For example, Mason (1999) argues that if there is clear evidence of spousal abuse and the allegation will be substantiated, there should be a presumption of sole decision-making. She also recommends that supervised contact be utilized if there is any evidence of child abuse. When there is an unsubstantiated allegation and children are reluctant to spend time with the alleged abuser, Mason argues that contact should not be forced.

On the other hand, Faller (2002) recommends that contact decisions be based on criteria set out in applicable statutes. Unsupervised contact can be considered, in her opinion, unless there has been significant turmoil surrounding the allegation. If this is the case, she recommends that shorter and perhaps supervised contact precede unsupervised contact, because gradually reintroducing contact is easier for the child and provides some protection against further allegations.

There is no consensus in the literature about the recommended contact plan when an allegation is substantiated (Faller, 2002; McGleughlin et al., 1999; Nicholson, 1998). Individualized case plans need to reflect the particular facts of the child’s situation. The critical guiding principal for planning interventions and contact arrangements should be the child’s best interests and ensuring their physical safety and psychological security. The complete severing of contact is rarely in the child’s best interest, according to Faller. She outlines several reasons for continuing contact between a child and an abuser. First, there may be other aspects of the relationship that are worth preserving. Second, maintaining the relationship provides the child with an opportunity to work through feelings about the abuse. Third, continued contact provides the child with an opportunity to develop a realistic view of the abuser. No contact, in her opinion, would be appropriate when a parent is dangerous (i.e. high likelihood of physical or sexual abuse of the child, the other parent or the contact supervisor) or where contact is markedly traumatic for the

child. Nevertheless, she also points out that there may be a time in the future when some contact is in the child's best interest and the issue may need to be reconsidered.

4.1.4 Need for Evidenced-Based Practice

One point of agreement in the literature and among key informants was the absence of research to guide interventions and decision-making in difficult contact cases. Bruch (2001: 551) cautions that "insights that are too new, or for which no established gold standard exists, may nonetheless be valuable, but their probity and limitations should be clearly understood". The literature, however, already influences judges and practitioners and is used to justify decisions.⁸ Parents and their legal representatives often use an author or expert to support their point of view. Mullane (1998) reinforces Bruch's concern and reminds us to be cautious and to carefully review research findings.

There are a number of critical areas requiring research investigation, including:

- The prevalence of contact difficulties;
- The relative contribution of parent behaviour resulting in contact difficulties (refer to Section 2.4.5);
- Influence of non-familial factors on children's resistance to alienation, such as supportive teachers or peers;
- Detailed description of alienation as a continuum rather than as a singular phenomenon; and,
- Outcome evaluation, with research designs that test different types of interventions and follow children and parents over longer periods of time to assess whether the intervention effects are maintained.

Research data will assist policy makers and service providers to understand the scope of the problem, define variables that predict contact difficulties, create evidence-based interventions and help to ensure that limited resources are used efficiently.

Research will enable us to increase our understanding of court-imposed arrangements. A majority of the key informants expressed concern about how little research is available to guide decisions in difficult contact cases. For example, how an adversarial process contributes to the development of contact difficulties (Stoltz and Ney, 2002), or how effective and long-lasting the more radical remedies are, such as incarceration, severing contact or switching a child's residence. Other questions for investigation relate to supervised transfers and contacts. Generally speaking, is it realistic for supervised contact to be a shorter-term arrangement? Do imposed contact plans stand the test of time? How satisfactory are such arrangements for the child? What supports do children and parents require to move from a supervised contact to an unsupervised contact? What protections are required for children?

⁸ Refer to the Glossary for a brief discussion of the Standard for Expert Social Science Testimony.

4.2 CANADA'S FAMILY JUSTICE SYSTEM: WHAT DIRECTIONS CAN BE TAKEN?

4.2.1 Goals of a Child-Centred Response to Contact Difficulties

The complex nature of the divorce experience for children and parents is well documented in the literature (Freeman, 1995, 1998; Stahl, 1999; Wall et al., 2002). Reflecting on more than two decades of research, Hetherington (2002) concludes that children need competent caring parents who are able to focus on children's needs, and structured environments that provide children with predictability and security.

Different formulations for understanding contact difficulties are promoted in the literature (Gardner, 1992; Kelly and Johnston, 2001; Stoltz and Ney, 2002). New research (Berns, 2001; Johnston, in press; Peralta-Vaughn, 2001; Rhoades, in preparation; Trinder et al., in press; Wall et al., 2002) supports Nicholson's contention (2002a: 4) that "...contact is not a simple matter which can be solved by a single, simplistic or formulaic solution" (see also Wall et al., 2002; Waldron and Joanis, 1996). The American Bar Association (Ramsey, 2000) convened a meeting of researchers and clinicians with extensive experience in working with divorcing families and developed the following principles for working with contact difficulties:

- Reduce parent conflict;
- Assure children's physical security;
- Provide adequate support services to reduce harm to children; and,
- Assist families to manage their own affairs.

Using these principles to guide practice, a number of strategies can be implemented to help parents develop contact arrangements that reflect children's best interests. They are discussed below.

4.2.2 Public Education

Public education initiatives can play an important role in helping parents and children to understand the legal framework within which contact decisions are made. Section 16.2 of Bill C-22, *An Act to amend the Divorce Act and related legislation* (Government of Canada, 2002) outlines criteria to be considered in determining the best interests of the child related to contact orders. Most parents and their legal representatives do not have a background in child development. Parents often interpret these types of criteria according to their own frame of reference or to suit their personal agenda. Consequently, educating the public about children's needs in the post-divorce family is an important beginning for preventing and resolving emerging contact difficulties, as well as for achieving the family law goals recommended by the American Bar Association (Ramsey, 2000).

Parents would benefit from opportunities to learn more about variables that influence successful contact arrangements and parenting plans. Examples of such variables include effective parenting partnerships, parent communication and conflict resolution skills. Contact difficulties are often triggered by minor events or adult behaviours (Thayer and Zimmerman, 2001).

National education initiatives would help to ensure that divorcing Canadian parents have access to information that could assist them to understand the nature of contact difficulties and to plan for and exercise their parenting responsibilities in a way that benefits children. Successful initiatives of this type have previously been undertaken in Canada to educate the public about a variety of health and justice issues, ranging from cancer and woman abuse to the child support guidelines. National educational initiatives would provide a foundation for programs and services administered by the provinces, territories and non-governmental organizations.

Public education initiatives also have the potential to impact people who play a significant role in the lives of children such as extended family, educators and physicians. Given the increasingly diverse nature of the population, a variety of techniques including print materials, videos, and websites, can provide an efficient and effective means of reaching a large number of Canadians who influence children's lives, regardless of where they live in the country. Materials should be available in different languages and formats as a way of addressing systemic barriers, such as language, affordability and accessibility, which traditionally limit parents' opportunities to benefit from research and professional expertise.

Federal, provincial and territorial governments and non-governmental agencies have already produced several highly-regarded and useful publications concerning divorce and children. *Because Life Goes On* is one of Health Canada's most frequently requested publications (Health Canada, personal communication). However, there are few up-to-date publications for Canadian children and youth. Some key informants indicated that it could be difficult to provide educational information to children and youth because parents often act as a filter. Strategies such as websites, videos and posters displayed in schools and community centres are convenient, effective, and user-friendly ways of reaching younger Canadians. The success of the Youth Consultation on the Divorce Act (Freeman and Freeman, 2001) and similar processes in Australia, New Zealand, the United States (Pruett and Pruett, 1999) and the United Kingdom (Dunn and Deater-Deckard, 2001; Smart, 2002; Lyon et al., 1998; Smart and Neal, 2000; Smith and Gollop, 2001; Wade and Smart, 2002) suggest that young people have important ideas to contribute to the development of content for educational materials, as well as to plans for their distribution.

4.2.3 Managing Contact Difficulties

Managing contact difficulties in children's best interests requires holding parents accountable for their behaviour, encouraging collaboration among professionals, and providing parents with interventions that teach skills for resolving conflict and managing difficulties. This goal is more likely to be achieved if:

- Judges have specialized training to increase their understanding of contact difficulties and the variables that contribute to the escalation of difficulties;
- Parents consistently appear before the same judge;
- There is an independent unbiased strategy for soliciting the child's perspective;
- The process for resolving contact difficulties is easily understood by parents;

- Conflict resolution is actively promoted by all professionals;
- Findings from methodologically sound research are utilized to support decisions about contact;⁹
- Decisions about contact are tailored to the needs of the individual child;
- Contact decisions are clear, pragmatic and understood by parents;
- The child, the parents, the therapist, the court and a parenting coordinator (if utilized) agree on the goal for therapy;
- The judge or a designate consistently monitors compliance with decisions about contact;
- Contact difficulty matters are heard and decisions made in an expeditious fashion;
- Abuse allegations are taken seriously, investigated and addressed; and,
- Delay tactics are not tolerated.¹⁰

Although key informants agreed that “litigation breeds more litigation”, highly entrenched situations were viewed as requiring the *authority of the court* in order to move forward. Delays and lengthy waits for court dates exacerbate contact difficulties.

Two current Canadian initiatives could be expanded to help ensure child-centered resolution of contact difficulties. First, the Unified Family Court concept (UFC), implemented in some jurisdictions, provides an important model for managing difficult contact cases. One key informant remarked that encountering a different judge every time parents’ return to court is akin to switching doctors during treatment for a life-threatening illness. Predictability was viewed as critical for this group of families. Children and parents benefit from having someone such as a judge or parenting coordinator take charge of the situation. Community-based or court-connected ancillary services utilized by the UFCs provide a venue for conducting the type of assessment required in difficult contact cases. The specialized function of UFCs helps to encourage the collaboration that is essential to successful case management.

Key informants in Australia noted that when a conflict difficulty arises, their new legislation requires parents to attend a parent education program. Anecdotal evidence suggests that this form of intervention is proving to be a useful strategy in the resolution of difficulties.

Second, a program of child representation would provide a way for the child’s perspective to be considered. Our New Zealand colleagues inform us that appointing counsel for the child is now automatic in contested cases. It is a well-regarded and useful addition to their system. The

⁹ The treatment of evidence based on social science research should be carefully considered. Mullane (1998) suggests that the judiciary needs to decide whether research findings are in fact evidence or more appropriately considered “authority” (refer also to Ziogiannis, 2001).

¹⁰ These suggestions are based on clinical experience, ideas proposed by key informants and the American Bar Association (Ramsey, 2000), Mullane (1998), Sullivan and Kelly (2001), and Williams (2001).

Office of the Children’s Lawyer (OCL) is a unique program of child representation in Ontario. The OCL is court-appointed and its staff provides socio-legal interventions for children in divorcing families at no cost to children or parents, regardless of income. Youth consultation projects regarding family law issues in Canada (Freeman and Freeman, 2001), Australia (Smart and Neal, 2000), New Zealand (Smith and Gollop, 2001), the United States (Pruett and Pruett, 1999), and the United Kingdom (Lyon et al., 1998) indicate that children and youth want the opportunity to have a voice in decisions that affect them. Their insights and ideas are creative and thoughtful (Brown, 1996). “Allowing children and young people to speak through a variety of means such as oral and written communication, artwork and song, are all ways of allowing children to speak out, and to learn the importance of constructive participation in the social sense” (Boshier, 2001: 8). Unfortunately, neither UFCs nor child representation is uniformly available to divorcing Canadian families.

There was substantial support in the literature and among key informants for collaboration among professionals dealing with contact difficulties. Sullivan and Kelly (2001) recommend the following principles to guide collaboration:

- Limiting the confidentiality traditionally associated with therapeutic relationships;
- Designating roles for the professionals within a hierarchy of responsibility;
- Stipulating a clear understanding of how communication between team members will occur;
- Defining, updating and reaching consensus with respect to clinical goals; and,
- Developing linkages to the authority of the court so that decisions and agreements can be codified within orders.

4.2.4 Allegations

When an allegation is made, a number of resources, including assessment, supervised access and the court, may be utilized. In our clinical experience, child welfare authorities are often reluctant to act or minimize allegations made in the context of contact disputes. Such allegations are often viewed as a delay tactic in the ongoing dispute or part of the legal strategy being employed by one parent. Under these circumstances, Bala (2002) queries whether it is possible for the justice system to adequately promote the welfare of children and whether it can be fair to parents. For example, he notes that sexual abuse allegations have tended to dominate best interest considerations, such as those outlined in the Children’s Law Reform Act (Ontario, 1990). This is an important discussion that needs to continue in order to ensure that children’s best interests are the paramount consideration in resolving contact difficulties. Input that can guide policy about the management of allegations should be sought from stakeholders, including the judiciary, the Bar, mental health practitioners, children and parents.

4.2.5 Support Services

The recently announced child-centred family justice strategy states that in addition to legislative change, “Canadians have clearly signaled that services for families are what is most needed—services like mediation, parent education and other court-related services” (Department of

Justice, 2002: 1). Another important service that divorcing parents frequently request are family law information centres such as those recently established in Ontario by the Ministry of the Attorney General or the CLSCs in Quebec. The Dial-A-Law service formerly provided by the Law Society of Upper Canada was also highly regarded by parents. Through the service, parents could call 24 hours a day and listen to audiotapes that discussed a variety of issues such as separation, divorce, decision-making about children and child support. This type of service also has the potential to meet the needs of Canadians whose first language is not English or French. Regrettably, it is no longer available. Some of the information is now provided via the Law Society's website, however this creates a different kind of systemic barrier, since not everyone has Internet capability or access.

Services need to receive adequate financial support. All too frequently pilot projects are terminated for lack of ongoing funds. In many communities, there are no resources to train service providers or support program development. This results in well-intentioned, but misguided, interventions that can exacerbate parental conflict and increase the risk for children.

Most key informants agreed that parents' post-divorce behaviour, whether intended or not, can lead to contact difficulties. Consequently, a valuable first step in the management of contact difficulties is early assessment. Kelly (2000) recommends well-defined schedules for children implemented as early as possible in the separation process. For some parents, preventive interventions may be sufficient (Freeman, 1998). Ultimately it is more beneficial for children if the focus of intervention is on supporting adults to build successful post-divorce relationships (Kinnear, 2002). Trider et al. (2002) conclude that "lawyers are rarely able to improve their client's commitment to unwelcome contact arrangements and that applications for court orders tend to fuel conflict rather than resolve it" (2002: 1).

Parent education programs have been well received, even when the program is mandatory (Bacon and McKenzie, 2001; Freeman, 1995). Educational programs need to have clearly articulated goals that are attainable within the scope of the program. Content should be related to the goals and reflect the variables research has demonstrated influence child adjustment. Examples of important content include strategies for reducing parent conflict and understanding how children experience divorce. Programs should also provide parents with a basic understanding of how normal child development affects a child's behaviours and reactions. For example, one parent may suspect the other parent is engaging in alienating or obstructing behaviours, if a young child is reluctant to transfer or spend time with a non-residential parent. The child's response, however, may simply reflect age-appropriate separation anxiety. Specialized services, staffed by trained and experienced providers, help to ensure the resolution of contact difficulties and ongoing contact between children and parents.

Examples of other important services that are part of a child-centred approach to family justice are supervised transfers, contact centres, parenting coordinators and therapy for children and parents. Transferring children between parents' homes should not have to occur at the local police station. An in-depth assessment is required to determine whether a child is alienated, to understand the process of alienation and to develop an intervention plan (Lee and Olesen, 2001). When children have witnessed violence or contact has been interrupted, assessment is an important tool for determining how best to support the child as well as the child-parent contact.

Highly skilled professionals are well-placed to assist parents to develop a contact plan that takes account of the child's age and stage of development.

Not all families require intensive resources to resolve contact difficulties. A tiered approach to intervention recognizes this reality. Providing parents with access to a knowledgeable professional who can help them make a preliminary assessment of the difficulties and perform a triage function means that families will be directed to an appropriate level of assistance within a hierarchy of services. It will also permit resources to be used more efficiently because they will be directed to the families who most require them (Freeman, 1998). A national clearinghouse drawing on local community information initiatives, and supporting and disseminating up-to-date research, is another potentially important support for practitioners and families. This is discussed in more detail in Section 4.2.7.

The prevailing theme in key informant interviews and the literature was the significant concern about the availability of high quality evidence-based services. Many communities have no access to specialized services. If they are available, there is usually a significant waiting period, which in turn exacerbates difficulties. Unresolved conflict continues to escalate. Often, the child is not able to see one parent during this period and reparative work is then required before the relationship can resume. National initiatives, such as the recently announced child-centred family justice strategy, have the potential to foster the development of urgently needed services that can be utilized at various stages of the divorce process. These services minimize the likelihood of contact difficulties as well as support the resolution of such difficulties (Freeman, 1995).

4.2.6 Training for Professionals

A frequent theme in the literature review and the consultation with key informants was the need for specialized interventions and professional training for judges, lawyers and mental health professionals working with divorcing families. Joint training events, conferences and professional publications provide ways of enhancing skills and simultaneously encouraging the collaborative practice necessary for addressing contact difficulties.

Inadequately trained professionals become part of the problem, not the solution. Research demonstrates that lawyers and psychologists do not have a clear understanding of each other's roles when parenting plan issues are in dispute (Jameson, 2001)—a concern also identified by the American Bar Association's Wingspread Conference (Ramsey, 2000). Stakeholders who participated in the Wingspread Conference also expressed concerns about the quality of representation in family law disputes and its impact on satisfactory outcomes. Training supports practitioners to understand the limitations of assessment reports and other factors that contribute to the development of impasses between parents and contact difficulties.

Children have drawn attention to the betrayal they feel when the limits of confidentiality are not adequately explained or confidentiality is not respected (Freeman and Freeman, 2001). Training about ways of explaining confidentiality to children is required. Professionals involved in managing contact difficulties would also benefit from an increased understanding of the dynamics inherent in contact difficulties, parent behaviours and successful intervention strategies.

4.2.7 Centre of Excellence

The Government of Canada has a longstanding commitment to the strategy of using Centres of Excellence to enhance our understanding of and response to issues of national significance. For example, in 1997 as part of the National Children's Agenda, five Centres of Excellence for Children's Well-Being were established by Health Canada. This strategy provides a way to link the expertise of parents, community groups, non-governmental organizations, service providers and researchers across the country. Creating a Centre of Excellence to support divorcing families would be an important adjunct to the newly announced child-centred family justice strategy (Government of Canada, 2001). Among other things, the centre could:

- Collect, evaluate and disseminate new knowledge about divorce;
- Act as a clearinghouse to ensure up-to-date information about practice issues is available for children, parents and professionals;
- Conduct research on variables associated with successful family transition;
- Develop model standards of practices for services such as parent education;
- Provide policy advice to governments and child-serving agencies;
- Develop and test intervention strategies and ensure the results are shared with children, parents and professionals;
- Develop and provide training for professionals across the country; and,
- Work to create local, national and international networks of individuals and groups to support research and the implementation of evidence-based interventions.

4.2.8 Multi-Disciplinary Expert Meetings

Key informants involved in this project expressed interest in knowing more about work in other jurisdictions as well as ways of collaborating to develop socio-legal strategies that benefit children and parents. Creating a forum series to launch this process would be an important first step in stimulating research, encouraging collaboration and discussing evidence-based strategies to assist children and parents.

Building on the consultation process undertaken for this report, the Government of Canada could take leadership in initiating this process. Canadian representatives in mental health and legal arenas would benefit from attending expert meetings that included invitees from the countries with which we have an existing family law relationship (i.e. Australia, New Zealand, the United Kingdom and the United States). The goal of the meetings would be to bring together knowledgeable experts from a variety of disciplines to discuss interventions and research that would encourage the resolution of contact difficulties and reflect children's best interests. The meetings would also provide an opportunity to develop a research agenda and begin collaborative efforts to address contact difficulties.

4.2.9 Unrepresented Litigants

Many of our key informants, as well as Berns (2001) and Nicholson (2002a), raised concerns about unrepresented litigants. Notwithstanding Johnston and Campbell's (1988) acknowledgement of the contribution that counsel or other professionals make to the development of an impasse between parents, legal counsel often play an important role in helping parents to be realistic and pragmatic about strategies that benefit children (Ward and Harvey, 1993). In part, the growing number of unrepresented litigants is a reflection of the significant reductions in legal aid available for family law cases in Canada (Cossman and Rogerson, 1997). At minimum, protocols for proceeding with litigation when one or both parents are unrepresented are necessary (Ramsey, 2000). However, what is really required is a range of affordable resolution processes.

5.0 CONCLUDING COMMENTS

Drawing from a literature review and a consultation process with key informants in Canada and other jurisdictions, this paper discusses the nature of child-parent contact difficulties after divorce. Based on our review, we conclude that identifying parental behaviours that influence post-divorce relationships is more effective than using labels such as parental alienation syndrome (PAS). Identification of problematic behaviours such as undermining and obstructing the child's relationship with the other parent provides a basis for intervening with parents. Understanding parent behaviours also helps to clarify the type of support children may need. Using the terminology of PAS serves to heighten tensions and engenders debate about the accuracy of the label.

Three decades of divorce research have helped us to understand that in most circumstances children benefit from contact with both parents after divorce. Numerous child, parent and systemic variables influence the nature of the post-divorce child-parent relationship. Unresolved conflict between parents is frequently noted as the critical influencing factor for the child-parent relationship. From the child's perspective, when conflict about contact develops, it often transforms the child-parent relationship into what Nicholson (2002a) terms a "timetabled obligation". The benefits of the child-parent relationship are reduced as children struggle with the unfolding drama between their parents.

There are no Canadian statistics concerning the concept of alienation in divorced families. Key informants and the literature suggest that about 20 percent of divorces are considered to be high-conflict. Within the high-conflict group, serious alienating behaviours are estimated to be present in two percent of families. The limited research conducted to date suggests that mothers and fathers equally exhibit alienating behaviours. In more entrenched cases, it is not uncommon for one or both parents to falsely allege physical or sexual abuse of the child. However, the small proportion of divorcing families exhibiting alienating behaviours draws on a disproportionate amount of resources in the legal and mental health system.

Difficult contacts challenge children, parents, practitioners and the courts. What is required is a child-centred strategy that reflects children's best interests. To achieve this goal, the purpose of contact between the child and the parent, and the benefits for the child, must be clearly articulated and understood by all concerned. The nature and type of contact needs to reflect the individual child's developmental needs. A "one size fits all solution" for managing difficult contacts is unrealistic. In Chapter 4 we discussed a number of strategies for managing difficult contact cases, ranging from using skilled neutral assessors and parenting coordinators, to holding parents accountable for their behaviour and implementing accessible, timely and efficient conflict resolution processes.

In the course of our literature review and key informant inquiry, two other issues related to contact difficulties emerged. First, in the past decade, considerable media and professional attention has been directed to debate about the concept of alienation. What is often overlooked is a problem that affects significantly more children—parental abandonment. For a variety of reasons (Wallerstein, 1980; Wallerstein and Blakeslee, 1997), one parent may disappear from a child's life. Participants in the Youth Consultation on the Divorce Act described this abandonment as one of the hardest aspects of divorce (Freeman and Freeman, 2001).

Second, children rarely have a safe and meaningful way to be heard in the divorce process. Smart (2002: 318) notes what is most difficult for children is the lack of control they have over their lives. She states:

...children had to re-establish their relationships with their parents, and a great deal depended on the trust and warmth that had been established prior to separation and then on the quality of the post-separation parenting. A majority of children were clear that they did not want to be forced to make choices, but they did want to have a voice and they did want to understand what was happening.

Wallerstein and Kelly first identified this theme in 1985. Smart also reports that children require time to adjust to arrangements and they want the flexibility to make changes when necessary. The issue, in her opinion, is whether parents are prepared to listen to the child's voice.

Despite the challenge of contact difficulties, there are a number of possible strategies that can be implemented to support the resolution of difficult contacts. Encouraging research and supporting ongoing discussion among stakeholders will advance our understanding about effective intervention strategies.

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GLOSSARY

GLOSSARY

The following terminology frequently appears in the literature concerning parental alienation syndrome. It is used in this paper to help ensure an accurate representation of sources.

Alienated Parent: The alienated parent is the parent whose relationship with the child is undermined or obstructed (i.e. the target of alienating behaviour).

Alienating Parent: The alienating parent is the parent engaging in behaviour that undermines or obstructs the child's relationship with the other parent. This parent may also be referred to as the alienator.

Allegations: Typically one parent makes allegations about the behaviour of the other parent. Children may also make allegations. *Unsubstantiated* allegations are those in which there is suspicion but insufficient evidence to conclude the allegation is true. When there is no evidence to support the allegation, it is considered *unfounded*. When the evidence supports the allegation it is *founded*.

Contact: Contact refers to time the child spends with a parent after separation or divorce.

Contact Difficulties: The term contact difficulties refers to a complex set of circumstances that negatively affects the child-parent relationship, whether originating with the residential parent, non-residential parent, child, or a combination of two or more of these people.

Daubert v. Merrill Pharmaceuticals: Zirotiannis (2001) states that there is no universally recognized standard for assessing the reliability and validity of expert social science evidence. Nevertheless, three American cases are frequently referred to in the literature concerning parental alienation syndrome: *Frye v. United States*, *Daubert v. Merrill Pharmaceuticals*, and *Kumho Tire v. Carmichael*. In *Frye v. United States*, scientific evidence was considered admissible if it was based on generally accepted professional standards. This has come to be referred to as the general-acceptance standard for evidence. Subsequently, in *Daubert v. Merrill Pharmaceuticals*, the judges were viewed as having gate-keeping responsibilities with respect to the admissibility of evidence based on a four-step test. Non-binding considerations for judges were suggested in this *Daubert* decision. This is referred to as the multiple-factor test. The United States Supreme Court addressed questions related to expert evidence in *Kumho Tire v. Carmichael*. The Court concluded that judges have considerable discretion to determine reliability and validity. Zirotiannis states that this decision permits the introduction of novel expert analysis. Refer to Zirotiannis (2001) for a more detailed explanation of evidentiary issues for the introduction of expert evidence.

Department of Justice: 2001 Consultation Process: At the request of the Federal/Provincial/Territorial Family Law Committee, IER (a private consulting firm) conducted a countrywide consultation process in Spring 2001. This consultation involved parenting plan issues as well as a review of aspects of the child support guidelines. The consultation report is available from the Department of Justice and authorship is attributed to IER.

Folie à Deux: Ellis (2000: 218) identifies a similarity between folie à deux and PAS. She states

... the core feature of folie à deux is that a delusion develops in one person who is involved in a close relationship with another person who already has a delusional disorder. The primary individual is dominant in the relationship and gradually imposes his or her delusional system on the more passive and initially healthy second person. These individuals are usually related by blood ties or by marriage and have lived together for a long time, often in isolation. The most common dyads are husband to wife, sister to sister, and parent to children.

Frye v. United States: Ziroti (2001) states that there is no universally recognized standard for assessing the reliability and validity of expert social science evidence. Nevertheless, three American cases are frequently referred to in the literature concerning parental alienation syndrome: *Frye v. United States*, *Daubert v. Merrill Pharmaceuticals*, and *Kumho Tire v. Carmichael*. In *Frye v. United States*, scientific evidence was considered admissible if it was based on generally accepted professional standards. This has come to be referred to as the general-acceptance standard for evidence. Subsequently, in *Daubert v. Merrill Pharmaceuticals*, the judges were viewed as having gate-keeping responsibilities with respect to the admissibility of evidence based on a four-step test. Non-binding considerations for judges were suggested in this *Daubert* decision. This is referred to as the multiple-factor test. The United States Supreme Court addressed questions related to expert evidence in *Kumho Tire v. Carmichael*. The Court concluded that judges have considerable discretion to determine reliability and validity. Ziroti states that this decision permits the introduction of novel expert analysis. Refer to Ziroti (2001) for a more detailed explanation of evidentiary issues for the introduction of expert evidence.

High-conflict Manager: Same as Parenting Coordinator. Baris et al. (2001: 10) use the term parenting coordinator (PC) as a generic or umbrella term. They state “By Parenting Coordinator, we mean an individual assigned by the court or by stipulation through the court whose task is to educate, mediate, and perhaps arbitrate parental disputes over the raising of their children.” They also employ the term “high-conflict manager”. In some jurisdictions, such professionals are referred to as special masters or special advocates.

Kumho Tire v. Carmichael: Ziroti (2001) states that there is no universally recognized standard for assessing the reliability and validity of expert social science evidence. Nevertheless, three American cases are frequently referred to in the literature concerning parental alienation syndrome: *Frye v. United States*, *Daubert v. Merrill Pharmaceuticals*, and *Kumho Tire v. Carmichael*. In *Frye v. United States*, scientific evidence was considered admissible if it was based on generally accepted professional standards. This has come to be referred to as the general-acceptance standard for evidence. Subsequently, in *Daubert v. Merrill Pharmaceuticals*, the judges were viewed as having gate-keeping responsibilities with respect to the admissibility of evidence based on a four-step test. Non-binding considerations for judges were suggested in this *Daubert* decision. This is referred to as the multiple-factor test. The United States Supreme Court addressed questions related to expert evidence in *Kumho Tire v. Carmichael*. The Court concluded that judges have considerable discretion to determine reliability and validity. Ziroti states that this decision permits the introduction of novel expert analysis. Refer to

Zirogiannis (2001) for a more detailed explanation of evidentiary issues for the introduction of expert evidence.

Modified Contact: Modified contact refers to indirect child-parent contact. Examples of indirect means of contact include e-mail and letters or cards.

Non-Residential Parent: The parent with whom the child does not normally live. This may or may not be the parent who has decision-making responsibility.

Parenting Coordinator: Baris et al. (2001: 10) use the term parenting coordinator (PC) as a generic or umbrella term. They state “By Parenting Coordinator, we mean an individual assigned by the court or by stipulation through the court whose task is to educate, mediate and perhaps arbitrate parental disputes over the raising of their children”. They also employ the term “high-conflict manager”. In some jurisdictions, such professionals are referred to as special masters or special advocates.

Rejected Parent: The rejected parent is the parent whose relationship with the child is undermined or obstructed (i.e. the target of alienating behaviour).

Residential Parent: The parent with whom the child primarily resides. This may or may not be the parent who has decision-making responsibility.

Special Joint Parliamentary Committee on Child Custody and Access: This committee was comprised of twenty-three members from both Houses of Parliament during the 36th Parliament (1st Session). The Committee heard evidence from government officials, legal and mental health practitioners, parents and children. Their report, *For the Sake of the Children*, was tabled in parliament on December 10, 1998.

Special Master: Similar to Parenting Coordinator. Baris et al. (2001: 10) use the term parenting coordinator (PC) as a generic or umbrella term. They state “By Parenting Coordinator, we mean an individual assigned by the court or by stipulation through the court whose task is to educate, mediate, and perhaps arbitrate parental disputes over the raising of their children.” They also employ the term “high-conflict manager.” In some jurisdictions, such professionals are referred to as special masters or special advocates.

Standard for Expert Social Science Testimony: Zirogiannis (2001) states that there is no universally recognized standard for assessing the reliability and validity of expert social science evidence. Nevertheless, three American cases are frequently referred to in the literature concerning parental alienation syndrome: *Frye v. United States*, *Daubert v. Merrill Pharmaceuticals*, and *Kumho Tire v. Carmichael*. In *Frye v. United States*, scientific evidence was considered admissible if it was based on generally accepted professional standards. This has come to be referred to as the general-acceptance standard for evidence. Subsequently, in *Daubert v. Merrill Pharmaceuticals*, the judges were viewed as having gatekeeping responsibilities with respect to the admissibility of evidence based on a four-step test. Non-binding considerations for judges were suggested in this *Daubert* decision. This is referred to as the multiple-factor test. The United States Supreme Court addressed questions related to expert evidence in *Kumho Tire v. Carmichael*. The Court concluded that judges have considerable discretion to determine reliability and validity. Zirogiannis states that this decision permits the

introduction of novel expert analysis. Refer to Ziropiannis (2001) for a more detailed explanation of evidentiary issues for the introduction of expert evidence.

Supervised Contact: Supervised contact usually refers to supervision of the time that a child spends with a non-residential parent. A member of the extended family may provide the supervision. In some cases it is provided in a formal setting such as an Access Centre.

Target Parent: The target parent is the parent whose relationship with the child is undermined or obstructed (i.e. the target of alienating behaviour).

Transfers: Transfer refers to the child shifting from one parent care to the other parent's care.

APPENDIX A: KEY INFORMANTS

List of key persons contacted for the expert consultations

KEY INFORMANTS

We contacted universities in Canada that offer graduate programs in social work or psychology to locate research occurring in such sites. We requested that these faculties identify staff members who were teaching or conducting research in the area of children and divorce. Subsequently, we contacted all of the identified staff to determine if their teaching and/or research interests were related to the issue of the concept often referred to as parental alienation. We purposely did not define the concept in our communications to limit the potential for bias.

At our request, the Social Sciences and Humanities Research Council searched their records and provided us with a list of all research projects in the area of divorce that they had provided financial support to since 1995. The principal investigators of those projects were also contacted in the manner described above.

FOCUS is a project of the Royal College of Psychiatrists (UK) that promotes effective practice in child and adolescent mental health. They moderate an electronic discussion group of approximately 2900 members in 35 countries. The membership was canvassed in a similar manner.

We utilized our knowledge of the more general divorce literature and the results of the search described above to identify a pool of key informants in jurisdictions with which Canada is frequently compared. Given the short duration of the project and budgetary limitations, a short list of key informants was created. The consultation was multi-disciplinary and included a range of professionals who work with changing families such as clinicians, researchers, lawyers and judges. In addition to the FOCUS membership (representing 35 countries), we contacted professionals throughout Canada, and in Australia, New Zealand, the United Kingdom and the United States. By broadening the inquiry beyond Canada, we hoped to learn more about how new family law legislation in several of these countries is influencing the outcome of difficult contact cases.

The primary factor guiding our choices when developing our list of informants was involvement in practice or research in the area of separation. We also included people known to have related conference presentations or publications that needed elaboration in terms of the current enquiry. Every key informant we spoke with was asked to suggest other sources. This was particularly helpful with respect to practitioners and researchers in other jurisdictions. In some instances, key informants provided information (i.e. copies of research papers, journal articles, academic dissertations, etc.) and in other instances we held telephone or in-person meetings.

The Association of Family and Conciliation Courts Annual Meeting was held in June 2002. This meeting provided an important opportunity to hold in-person consultations with additional key informants. It permitted us to expand the list of key informants in a cost effective and efficient manner. The pool of key informants involved in this project is considered representative but not exhaustive.

Questions for the key informant interviews are presented in Appendix C. Extensive notes were taken during the in-person meetings and telephone meetings. A thematic analysis of the notes was undertaken and is presented in conjunction with the literature review.

David Abel
Families in Transition
Family Service Association of Toronto
Toronto, ON
Canada

Constance Ahrons
San Diego, CA
USA

Roderic Beaujot
University of Western Ontario
London, ON
Canada

Sandra Berns
Griffith Law School
Brisbane, QLD
Australia

Rachel Birenbaum
University of Western Ontario
London, ON
Canada

Esther Birenzweig
Families in Transition
Family Service Association of Toronto
Toronto, ON
Canada

Sandford Braver
Arizona State University
Tempe, AZ
USA

Carole Brown
Private Practice, Sydney, Australia
Formerly, General Advisor Dispute
Resolution
Family Court of Australia
Melbourne, NSW
Australia

Madam Justice Dale Clarkson
Family Court of New Zealand
Auckland
New Zealand

Mary Cowper-Smith
Families in Transition
Family Service Association of Toronto
Toronto, ON
Canada

Marion Ehrenberg
University of Victoria
Victoria, BC
Canada

Robert Emery
University of Virginia
Charlottesville, VA
USA

Kathleen Faller
University of Michigan
Ann Arbor, MI
USA

Geraldine Fitzpatrick
St. Georges Hospital
London
United Kingdom

FOCUS Membership
Royal College of Psychiatrists
London
United Kingdom

Ian Freckelton
Monash University
Melbourne, VIC
Australia

Margaret Harrison
Family Court of Australia
Melbourne, VIC
Australia

Joseph P. Hornick
Canadian Research Institute
for Law and the Family
Calgary, AB
Canada

Bill Howe
Statewide Family Law
Advisory Committee
Portland, OR
USA

Janet Johnston
San Jose State University
Judith Wallerstein Center
for the Family in Transition
Menlo Park, CA
USA

Heather Juby
Interuniversity Centre
for Demographic Studies
University of Montreal
Montreal, QC
Canada

Stella Kavoukian
Families in Transition
Family Service Association of Toronto
Toronto, ON
Canada

Joan Kelly
Private Practice
Corte Madera, CA
USA

Pamela Kinnear
The Australia Institute
Canberra, ACT
Australia

Christina Lyon
Centre for the Study of the Child,
the Family and the Law
University of Liverpool
Liverpool
United Kingdom

Lorraine Martin
Office of the Children's Lawyer
Ministry of the Attorney General (ON)
Toronto, ON
Canada

Willson McTavish
Office of the Children's Lawyer
Ministry of the Attorney General (ON)
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Dena Moyal
Office of the Children's Lawyer
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Tara Ney
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Victoria, BC
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Clarice Ondrack
Families in Transition
Family Service Association of Toronto
Toronto, ON
Canada

JoAnne Pedro-Carroll
Children's Institute
University of Rochester
Rochester, NY
USA

Marsha Pruett
Yale University
School of Medicine
New Haven, CT
USA

Jan Pryor
University of Victoria (Wellington)
Wellington
New Zealand

Helen Rhoades
University of Melbourne
Melbourne, VIC
Australia

Martin Richards
Centre for Family Research
Cambridge University
Cambridge
United Kingdom

Peter Salem
Association of Family
and Conciliation Courts
Madison, WI
USA

Andrew Schepard
Hofstra University
School of Law
Long Island, NY
USA

Marie Simard
University of Laval
Quebec City, QC
Canada

Carol Smart
Department of Sociology
University of Leeds
Leeds
United Kingdom

Anne Smith
Children's Issues Centre
Manawa Rangahan Tamariki
University of Otago
Dunedin
New Zealand

Philip Stahl
Private Practice
Danville, CA
USA

Laurie Stein
Families in Transition
Family Service Association of Toronto
Toronto, ON
Canada

Jo-Anne Stoltz,
University of Victoria
Victoria, BC
Canada

Nicola Taylor
Children's Issues Centre
Manawa Rangahan Tamariki
University of Otago
Dunedin
New Zealand

Madam Justice Trussler
Court of Queen's Bench, Alberta
Edmonton, AB
Canada

Richard Warshak
University of Texas
Southwestern Medical Center
Dallas, TX
USA

Barbara Whittington
University of Victoria
Victoria, BC
Canada

Justice R. James Williams
Supreme Court of Nova Scotia
Family Division
Halifax, NS
Canada

APPENDIX B: DEFINITIONS OF PARENTAL ALIENATION

From various sources

DEFINITIONS OF PARENTAL ALIENATION

To increase our understanding of the formulations concerning contact difficulties and the controversy surrounding the concepts of parental alienation and parental alienation syndrome, we collected all the definitions we could find in the literature for comparison purposes. They are provided here for readers to make their own assessment of the similarity and differences in definition.

Clawar & Rivlin (1991: 9)

“In most divorce cases where there is animosity and conflict between the parents, there is some degree of brainwashing and programming of children.”

Darnall (1998: 3-5)

“Parental alienation (PA) is any constellation of behaviors, whether conscious or unconscious, that could evoke a disturbance in the relationship between a child and the other parent.” This definition is different from parental alienation syndrome (PAS) originally coined by Dr. Richard Gardner in 1987.

“There is a difference between parental alienation and parental alienation syndrome, though the symptoms or what is observed in the children can be similar. The distinction between the two is that parental alienation focusses on how the alienating parent behaves toward the children and the targeted parent. Parental alienation syndrome symptoms describe the child’s behaviours and attitudes toward the targeted parent after the child has been effectively programmed and severely alienated from the targeted parent.”

“Understanding parental alienation and parental alienation syndrome is paramount for a child’s welfare and a parent’s peace of mind. Divorced parents, grandparents, judges, attorneys, and mental-health workers all need to understand the dynamics of parental alienation and parental alienation syndrome, recognize the symptomatic behavior, and execute tactics for combating this malady.”

“You can’t assume that the targeted parent is without fault. Targeted parents can become alienators when they retaliate because of their hurt. This puts them in the role of the alienator while the other parent becomes the victim. The roles become blurred because it’s difficult to know who is the alienator and who is the targeted parent. Often both parents feel victimized. It is important to remember that alienation is a process, not a person”.

Darnall (1997: 1)

“With either definition [Gardner or Darnell] the motivation for the alienating parent has both a conscious as well as a subconscious or unconscious component. The children themselves may have motivations that will make the alienation worse...The children are frequently unaware of how they are being used. It is most important to understand that if the child is angry and refuses to visit the targeted parent because of actual abuse or neglect, the child’s behavior is not a manifestation of PAS. This is why the issue of false allegations is so important.”

“Another difference...is my emphasis on the alienating parents rather than on the severity of the symptoms...alienation is a reciprocal process where both parents get caught up in alienation.”

Ellis (2000: 209, 228)

“Gardner’s term has now come to be the standard used to describe this phenomenon, although sometimes it describes the children’s behavior and at other times the parent’s behavior as well. This point may be subtle, but it is an important one, because it contributes to confusion in this field...Although the term PAS is widely used, it is not universally respected. It is not recognized by the American Psychiatric Association because no research has established the specific criteria for a diagnosis of this syndrome. Furthermore, there are no data establishing incidence rates, the course of the syndrome over time, sex differences, or prognosis...All these objections aside, PAS has found acceptance by clinicians as it is consistently seen in cases of protracted, hostile custody and visitation disputes”.

“PAS is defined as a variant and milder form of *folie a deux*. The essential feature of this disorder is a persistent resistance to contact with the targeted parent and a persecutory belief system held by a child toward that parent. This delusional system develops as a result of an enmeshed relationship with a parent who already has a distorted belief system of having been and continuing to be persecuted by the ex-spouse. The distortions of the parent and child are identical. The content of the beliefs is usually within the realm of possibility and often is based on common past experiences of the parent and child”.

Gardner (1992: 62, 64)

“The disorder refers to a situation in which the parental programming is *combined with* the child’s own scenarios of denigration of the allegedly hated parent. Were we to be dealing here with simply parental indoctrination, I would have probably stuck with the term *brainwashing* or *programming*. Because the disorder involves the aforementioned *combination*, I decided a new term was warranted, a term that would encompass *both* contributory factors...It is the exaggeration of minor weaknesses and deficiencies that is the hallmark of the parental alienation syndrome. When bona fide abuse does exist, then the child’s responding hostility is warranted and the concept of the parental alienation syndrome is not applicable”.

“It is important for the reader to appreciate that in the parental alienation syndrome, as is true for all psychiatric disorders, there is a continuum from the mildest, through the moderate, to the most severe”.

Garrity & Baris (1994: 65-66)

“...many parents and professionals, viewing parental alienation as a rough equivalent of “brainwashing,” use the term to pin blame solely on one parent for a child’s rejection of the other. Parent-child relations, however, are seldom so simple. Rejection of a parent is a complex process to which both children and parents contribute according to their individual tolerance for conflict...In considering the parental alienation syndrome, it is important to keep in mind that it is defined by no agreed-upon set of criteria; nor has the scientific research documented its existence or completely described its clinical manifestations. Nonetheless, parental alienation is very real. It occurs when one parent convinces the children that the other parent is not trustworthy, lovable, or caring—in short, not a good parent. This persuasion may be consciously

malicious and intended to destroy the children's relationship with the other parent. Or it may take a more insidious, even unconscious form, arising from the personality issues as yet unresolved in the childhood of one parent."

Hayward (1999: 1-2)

"The Parental Alienation Syndrome (PAS) is the systematic denigration by one parent [sic] by the other with the intent of alienating the child against the other parent. The purpose of alienation is usually to gain or retain custody without the involvement of the non-custodial parent (NCP). The alienation usually extends to the NCP's family and friends as well. Though this document is written with the father in mind, it must be clear that there are many cases of PAS where the NCP is the mother..."

"But where fathers gain custody, they may also, and quite commonly alienate the children against the mother. There are cases of Guardians who will alienate children against the parent. I am aware of cases where the mother's own mother (the grandmother) gained custody of the child, another case of the mother's sister gaining custody of the child, and these children were alienated against the mother. I am also aware of a mother alienating her children against her own family, and a cases [sic] a child alienating her siblings against the father".

Hobbs (2002: 381)

"PAS is a condition through which one parent will, by any means available, inappropriately seek to subvert the other parent's power and consequent ability to care for, or even to continue to have any relationship with, their child. This is done at immense cost to the child. Such is the nature of PAS that these parents will seek to exploit any potential opportunity to further their cause within the legal system; as indeed, they also do within any other system in which they are involved..."

Johnston (1993: 110-111)

"...reluctance of a child to visit with a nonresidential parent has often been used interchangeably with, and hence confounded with, parent-child alignment (or parent-child alienation). Distinctions need to be made between these two sets of phenomena. Reluctance to visit includes a broad range of observable behavior in which the child, for any reason, verbally or gesturally complains about and resists spending time with the nonresidential parent. The resistance may be manifested only at the time of transition from one home to the other, or it may involve intermittent or ongoing complaints about visits. In extreme cases, it can encompass a complete refusal to have any contact with the other parent...the child may or may not be hostile or negative to the parent he or she is resistant to visiting, although, in extreme cases, there is often expressed fear and negativity...reluctance to visit and alignment/alienation are empirically overlapping but distinct phenomena".

Kelly & Johnston (2001: 251)

"This formulation proposes to focus on the alienated child rather than on parental alienation. An alienated child is defined here as one who expresses, freely and persistently, unreasonable negative feelings and beliefs (such as anger, hatred, rejection, and/or fear) toward a parent that are significantly disproportionate to the child's actual experience with that parent. From this

viewpoint, the pernicious behaviors of a “programming” parent are no longer the starting point. Rather, the problem of the alienated child begins with a primary focus on the child, his or her observable behaviors, and parent-child relationships. This objective and neutral focus enables the professionals involved in the custody dispute to consider whether the child fits the definition of an alienated child and, if so, to pursue a more inclusive framework for assessing why the child is now rejecting a parent and refusing contact”.

McDonough and Bartha (1999: 108, 110)

“In parental alienation syndrome, with little or no evidence a parent is convinced the child is better off without the other parent. The parent lets the child know that she hates the other parent. She does this either subtly, or by her attitude, or overtly, through her behavior and words. She conveys to the child her disgust with the other parent. The parent sending these messages to the child is called ‘the alienating parent.’ The alienating parent can be either parent, although it is more commonly the parent with whom the child lives. The other parent is called ‘the alienated parent.’”

“Parental alienation syndrome is misnamed: it should be called ‘child alienation syndrome’ because it is really the child who becomes alienated”.

Stahl (2000: 120)

Alienation of a child—by one parent against the other—occurs when a child is coerced by a parent, either subtly or overtly, to form a loyalty to one parent and feel disdain for the other. This often occurs in bitter custody battles where children constantly hear derogatory messages about the other parent. Some are brainwashed and made to feel afraid of the other parent. Parents alienate their children against the other parent when they are hurt or angry with the other parent”.

Stoltz & Ney (2002: 226)

“Resistance to visitation’ is defined as any set of behaviours on the part of the child, parents, and others involved in the conflict that leads to the cessation of or significantly impedes visitation with the non-custodial parent. Resistance thus includes the broad continuum of behaviours of all parties involved (parent, children, lawyers, family, professionals, etc.) ranging from (for example) voiced complaints, to repeated incidences of lateness in dropping the child off, to a child’s refusal to go with the non-custodial parent, and so on. Note that the term ‘resistance’ is preferred over ‘rejection of the non-custodial parent which in our opinion moves too far from fact to inference to be useful”.

Sturge & Glaser (2000: 622)

“Parental Alienation Syndrome does not exist in the sense that it is: not recognised in either the American classification of mental disorders (DSMIV) or the international classification of disorders (ICD10); not generally recognised in our or allied child mental health specialties.

We do not consider it to be a helpful concept and consider that the sort of problems that the title of this disorder is trying to address is better thought of as implacable hostility. The essential and important difference is that the Parental Alienation Syndrome assumes a cause (seen as misguided or malign on the part of the resident parent) which leads to a prescribed intervention

whereas the concept (which no one claims to be a ‘syndrome’) is simply a statement aimed at the understanding of particular situations but for which a range of explanations is possible and for which there is no single and prescribed solution, this depending on the nature and individuality of each case.

The basic concept in the Parental Alienation Syndrome is a uni-directional one as if such situations are a linear process when they are, in fact, dynamic and interactional with aspects of each parent’s relationship to the other interacting to produce the difficult and stuck situation”.

Swerdlow-Freed (undated: 1)

“...children caught in the middle of parental disputes and to be enlisted by one parent as an ally against the other parent in a campaign of systematic denigration and alienation of affection. These disputes tend to possess prototypical characteristics; one of which is a continuous level of high conflict and the other of which involves one or both parents being compromised with respect to the ability to act in the best interests of the child.”

Vestal (1999: 489)

“PAS refers to a disturbance in which children are preoccupied with viewing one parent as all good and the other parent as all bad. The bad parent is hated and verbally maligned, whereas the good parent is loved and idealized. Another hallmark of PAS is the false charging of child abuse, which comes about when one parent is intent upon driving away the other parent”.

Waldron & Joanis (1996: 121)

Parental Alienation Syndrome (PAS) is a special case of postdivorce conflict in which one parent appears to go to great lengths, at times including making fictitious allegations of physical and/or sexual abuse, to turn a child against the other parent...Gardner’s conceptualization of the problem and the dynamics underlying the problem proved at best incomplete, if not simplistic and erroneous.”

Wallerstein & Kelly (1985: 77)

“These young people were particularly vulnerable to being swept up into the anger of one parent against the other. They were faithful and valuable battle allies in efforts to hurt the other parent. Not infrequently, they turned on the parent they had loved and been very close to prior to the marital separation.

The most extreme identification with the parent’s cause we have called an “alignment”—a divorce-specific relationship that occurs when a parent and one or more children join in a vigorous attack on the other parent”.

Ward & Harvey (1993: 4)

“...an angry divorce is not necessarily an alienating one. The focus in determining whether or not there is alienation in an angry divorce must be, not on the degree or rage or loss expressed, but on the behavioral willingness to involve the children. Alienation occurs when a parent uses the child to meet personal emotional needs, as a vehicle to express or carry her own intense emotions or as a pawn to manipulate as a way of inflicting retribution on the other side.

Parental alienation occurs along a broad continuum, based on the level of internal distress of the alienating parent, the vulnerability of the child and the responses of the target parent, as well as on the responses of the external system (family, attorneys, mental health professionals, the legal system). The range may be from children who experience significant discomfort at transition times (mild), through children who feel compelled to keep separate worlds and identities when with each parent (moderate); to children who refuse to have anything to do with the target parent and become obsessed with their hatred (severe)".

Warshak (2001: 29-30)

"Parental alienation syndrome refers to a disturbance whose primary manifestation is a child's unjustified campaign of denigration against, or rejection of, one parent, due to the influence of the other parent combined with the child's own contributions. Note three essential elements in this definition: 1) rejection or denigration of a parent that reaches the level of a campaign, i.e., it is persistent and not merely an occasional episode; 2) the rejection is unjustified, i.e., the alienation is not a reasonable response to the alienated parent's behavior, and 3) it is a partial result of the nonalienated parent's influence. If either of these three elements is absent, the term PAS is not applicable".

Williams (1990: 1)

"Parentectomy is the removal, erasure, or severe diminution of a caring parent in a child's life following separation or divorce. Parentectomy covers a large range of parent removal from partial parentectomy, "You may visit your Daddy or Mommy every other Sunday" to total parentectomy, as in Parental Alienation Syndrome, described by Gardner; or complete parent absence or removal."

APPENDIX C: QUESTIONS FOR KEY INFORMANT INTERVIEWS

List of guiding questions for interviews

QUESTIONS FOR KEY INFORMANT INTERVIEWS

Source

- How did you hear about (or where did you learn about) parental alienation or parental alienation syndrome?

Formulation

- How do you define alienation?
- How do you determine alienation is present?
- What causes alienation? Why do you think it happens?
- How is alienation related to scheduling issues (i.e. enforcement of time, denial of time)?
- How does the child's age influence the development or course of alienation?
- What is the relationship between alienation and parent conflict? To violence or abuse?
- What is the role of extended family when alienation occurs? What is the role of other interested parties?

Prevalence

- In your practice, what is the prevalence of alienation?
- Has the prevalence of alienation changed during the last decade? To what do you attribute this?

Utility

- In your opinion, is parental alienation syndrome a useful concept? Is it a syndrome? On what do you base your opinion?
- Is it an over-simplification of the issues?
- Is it simply one type of presentation of high conflict?
- What legal and clinical interventions were attempted? Were the legal or clinical interventions successful?

Involving and Helping Children

- If you have had experience with a case in which there was a determination of parental alienation syndrome:
 - Was the voice of the child heard?
 - How does a determination of alienation guide clinical intervention planning? Legal strategy?
 - To what extent should children's wishes influence decisions?

Clarification

- What research in this area are you aware of?
- There is debate in the literature about how alienation is conceptualized. One perspective suggests that parents are alienated from their children. Another perspective frames the issue as alienated children. A third perspective is broader and suggests that alienation occurs when any set of behaviours on the part of the child, parents, or others involved in the conflict leads to the cessation of or significantly impedes visitation with the nonresidential parent. Which conceptualization guides your practice or research?
- Does the conceptualization of alienation differ among disciplines such as lawyers, social workers, mediators, psychologists, etc.?

Remedies

- When there is a determination of alienation:
 - What clinical interventions are you or your close colleagues familiar with? Please describe.
 - What legal strategies are you or your close colleagues familiar with? Please describe.
 - What legal and clinical interventions (or strategies) reflect children's best interests? How do they make a difference to children? What are the variables that seem to contribute to success or lack of success?
 - Some authors advocate enforcing contact between children and parents if the alienation is not justified by the parent's current/past behaviour. What is your perspective?

Future Directions

- In your opinion, what direction is work in this practice area taking?
- What preventive interventions should be considered?

- What policy and practice recommendations would you like to see clinicians, administrators, and policy makers consider?
- What issues do you identify for future research?
- What factors should be more thoroughly investigated?
- What do we need to know in order to have improved policy and practice that reflects children's best interests with respect to alienation?

Other Potential Informants

- Are there other experts you recommend we speak with regarding alienation?