

Working group complex divorces – multidisciplinary collaboration. (CSMS)

e-mail: csmsgroup11@gmail.com

twitter: @CSMSgroup,

https://twitter.com/CSMSgroup

Website: http://csmsgroep.wordpress.com

Confusion about the term 'parental alienation'

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We notice that many parents who have lost their children due to child protection services indicate that child protection does "parental alienation". It is a misconception that this is what the lobby for recognition of the theory of parental alienation means by the term. Because of this misconception, many parents wrongly support this lobby. The wry thing is that many of them are victims of the thoughts and so-called 'solutions' that the lobby distributes for the theory of parental alienation.

We propose to use a different term for the misconduct of child protection services to achieve clarity.

What is meant by parental alienation?

Parental alienation is a term derived from Gardner's theory. The theory relates to the divorce context. Gardner stated that children make false accusations of abuse and mistreatment and wrongly reject one parent, brainwashed by the other parent. Even though no scientific evidence has been found for this theory, Dutch child protection does use it, as do child protection services in many other countries. International scientific research shows that the theory is mainly used against mothers. It happens that parents (whether or not in a divorce context) speak ill of each other and usually, this is mutual. Normally, children blame a parent who speaks wrongly of the other parent. The relationship with the parent who speaks ill will deteriorate. We call this a 'boomerang effect'. This is, therefore, at odds with the idea of Gardner and child protection services. False accusations of maltreatment and abuse are rare. Also in a divorce context, accusations are rarely false. It is a persistent, erroneous idea that women often make false reports of maltreatment and abuse of themselves and/or their children out of hatred. The recent #metoo movement seems to give some social awareness of this.

Relocation when parents are wrongly accused of child abuse by the child protection services

Some parents are wrongly confronted with the out of home placement of their child because the child protection department suspects or claims that they are abusing their child. For example, there have been cases in which children were ill, but the child protection service assumed that (one of) the parents made the children ill. There are also cases in which the child protection services did not let go of a family after an unjustified report of possible child abuse. It can happen, for example, that parents become angry with the child protection system because of unjustified involvement and assumptions that are incorrect. Child protectors may misinterpret this behavior as aggressiveness on

the part of the parents and may not want to cooperate, as a result of which their concerns are reinforced and as a result of which they decide to remove the child from the home. Please note: we do not claim that all relocations by the youth protection services are unjustified. We find that there are relocations that are unjustified. We advise you not to use the term 'parental alienation' for these situations but to choose a different one to avoid confusion. A term that many parents also use for this situation is, for example, 'child theft'.

Incorrect decisions about custody and dealing in a divorce context in which a parent commits domestic violence

In a large part of the complex divorces (in which parents repeatedly and/or for a long time end up in a legal battle), there is a parent who commits domestic violence. Normally, parents will reach agreements together when they break up. Perhaps with some struggles (after all, they break up for a reason), they come to agreements about the finances and the care of the children. Particularly in the case of someone who is violent, controlling, and/or commits psychological abuse, there is a great risk that this will not succeed. The problem is that there are many stereotypical ideas about divorce and the behavior of mothers in a divorce situation, which leaves room for the theory of parental alienation. In our book "It doesn't stop until you protect the victims. Complex divorces and suspicions/accusations of domestic violence" and in the essays, you can read on our website, we discuss this in more detail.

When children and their protective parent (usually the mother, but sometimes also the father) are not believed about domestic violence (such as ex-partner violence, child abuse, and sexual abuse), wrong decisions can be made. It happens, for example, that a mother does not (fully) cooperate in a contact arrangement between the children and their father because she knows that the father abuses the children and she tries to protect the children against this. The child protection officer can advise the judge to place the children with the father because he is willing to cooperate and to allow contact with the mother. It even happens that the children in such a situation are (temporarily) not allowed to deal with their mother because it is thought that she is the one who feeds the children wrongly with bad ideas about their father. In other words: the theory of parental rejection is applied and this is wrong. It can be confusing if these mothers claim that child protection does 'parental alienation'. They are the victims of this theory! We advise them to use a different term for this. In English the term DARVO or DARVObyCourt is used. DARVO stands for Deny - Attack - Reverse Victim and Offender.

Literature

We wrote this essay with the aim of clarifying misunderstandings or the term parental alienation and encouraging the use of clear terms. If you want to read more scientific literature on the topics mentioned in this essay, we recommend the following references:

Our book and website about complex divorces and domestic violence

CSMS. (2019). It won't stop until you protect the victims. Complex divorces and suscpicions/allegations of domestic violence. https://tinyurl.com/protectthevictims

CSMS website: https://csmsgroep.wordpress.com

Literature on the origin of the parental alienation theory and explanation of why there is a lobby for this theory

Blizard, R.A. & Shaw, M. (2019): Lost-in-the-mall: False memory or false defense? *Journal of Child Custody, 16,* 20-41. https://doi.org/10.1080/15379418.2019.1590285

Boyd, S. B. (2006). Robbed of their families? Fathers' rights discourses in Canadian parenting law reform processes. In R. Collier & S. Sheldon (eds.). *Fathers' rights activism and law reform in comparative perspective*, 27-51. Oregon: Hart Publishing.

Crook, L. S., & McEwen, L. E. (2019). Deconstructing the lost in the mall study. Journal of Child Custody, 16(1), 7-19. https://doi.org/10.1080/15379418.2019.1601603

Crowley, J. E. (2009). Fathers' rights groups, domestic violence and political countermobilization. *Social forces, 88(2),* 723-755. https://doi.org/10.1353/sof.0.0276

Dragiewicz, M. (2008). Patriarchy reasserted: Fathers' rights and anti-VAWA activism. *Feminist Criminology*, *3*(2), 121-144. https://doi.org/10.1177/1557085108316731

Meier, J. S. (2009). A historical perspective on parental alienation syndrome and parental alienation. *Journal of Child Custody, 6(3-4),* 232-257. https://doi.org/10.1080/15379410903084681

Literature on the harmful influence of the theory of parental alienation in family law

Laing, L. (2017). Secondary victimization: Domestic violence survivors navigating the family law system. Violence against women, 23(11), 1314-1335. https://doi.org/10.1177/1077801216659942

Mackenzie, M., Herbert, R., & Robertson, N. (2020). 'It's Not OK', but 'It' never happened: parental alienation accusations undermine children's safety in the New Zealand Family Court. *Journal of Social Welfare and Family Law.* https://doi.org/10.1080/09649069.2020.1701942

Meier (2020). U.S. child custody outcomes in cases involving parental alienation and abuse allegations: what do the data show? *Journal of Social Welfare and Family Law*. https://doi.org/10.1080/09649069.2020.1701941

Meier, J. S., & Dickson, S. (2017). Mapping gender: shedding empirical light on family courts' treatment of cases involving abuse and alienation. *Law & Inequality; A Journal of Theory and Practice, 35,* 311-334. https://tinyurl.com/y5tjprua

Meier, J.S., Dickson, S., O'Sullivan, C., Rosen, L., & Hayes, J. (2019). Child Custody Outcomes in Cases Involving Parental Alienation and Abuse Allegations (2019). *GWU Legal Studies Research Paper No.* 2019-56. https://ssrn.com/abstract=3448062 / http://dx.doi.org/10.2139/ssrn.3448062

Rathus, Z., Jeffries, S., Menih, H., & Field, R. (2019). "It's Like Standing on a Beach, Holding Your Children's Hands, and Having a Tsunami Just Coming Towards You": Intimate Partner Violence and "Expert" Assessments in Australian Family Law. *Victims & Offenders, 14(4), 408-440*. https://doi.org/10.1080/15564886.2019.1580646

Saunders, D. G., & Oglesby, K. H. (2016). No way to turn: Traps encountered by many battered women with negative child custody experiences. *Journal of Child Custody*, *13(2-3)*, 154-177. https://doi.org/10.1080/15379418.2016.1213114

Silberg, J., & Dallam, S. (2019). Abusers gaining custody in family courts: A case series of over turned decisions. Journal of Child Custody, 16(2), 140-169. https://doi.org/10.1080/15379418.2019.1613204

Criticism of the parental alienation theory

Bruch, C. S. (2001). Parental alienation syndrome and parental alienation: Getting it wrong in child custody cases. *Family Law Quarterly, 35,* 527-552. https://doi.org/10.2139/ssrn.298110

Meier, J. (2009). Parental alienation syndrome and parental alienation: Research reviews. Harrisburg, PA: VAWnet, a project of the National Resource Center on Domestic Violence/Pennsylvania Coalition Against Domestic Violence. Applied Research Forum. http://www.ncdsv.org/images/VAWnet_PAS_Meier_1-2009.pdf

Rowen, J., & Emery, R. (2018). Parental denigration: A form of conflict that typically backfires. *Family Court Review*, *56*(2), 258-268. https://doi.org/10.1111/fcre.12339

Willis, B., & O'Donohue, W. (2018). Parental Alienation Syndrome: A critique. *Revista De Estudios E Investigación En Psicología Y Educación, 5(2)*, 74-81. https://doi.org/10.17979/reipe.2018.5.2.4364